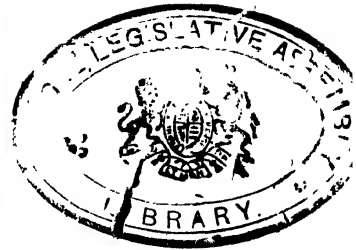


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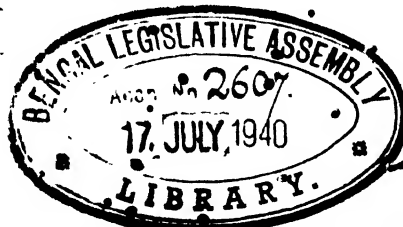


Official Report

Bengal Legislative Council Debates

Third Session, 1939

23rd, 24th, 27th, 28th November, 1st, 6th, 8th,
11th to 15th, 18th to 21st December, 1939, 3rd
to 5th, 8th to 12th and 15th to 19th January,
1940



Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1940

BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. SATYENDRA CHANDRA MITRA, M.L.C.

DEPUTY PRESIDENT.

Mr. HAMIDUL HUQ CHOWDHURY, M.L.C.

SECRETARY TO THE COUNCIL.

Mr. K. N. MAJUMDAR, M.A. (CANTAB.), Bar.-at-Law.

ASSISTANT SECRETARY TO THE COUNCIL.

Mr. S. A. F. HUSSAIN, B.L., Advocate.

REGISTRAR TO THE COUNCIL.

Mr. T. K. GANGULI, (off.).

PANEL OF CHAIRMEN.

Mr. KAMINI KUMAR DUTTA,

Begum HAMIDA MOMIN.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.

Mr. H. C. A. HUNT.

GOVERNMENT of BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

The Hon'ble Mr. NALINI RANJAN SARKER, in charge of the Finance Department.

The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Department of Local Self-Government and Industries.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of the Department of Communications and Works.

The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY, in charge of the Departments of Commerce and Labour and Rural Reconstruction.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Department.

The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forest and Excise Departments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Department.

The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Departments of Public Health and Medical and Agriculture and Veterinary.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
2. Ahmad, Khan Bahadur Naziruddin. [Burdwar Division Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]

B

4. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
5. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
6. Barua, Dr. Arabinda. [Chosen by the Governor.]
7. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

8. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
9. Chaudhury Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
10. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
11. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
12. Chowdhury, Khan Bahadur Rezzaqui Haider. [Noakhali Muhammadan (Rural).]
13. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
14. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
15. Cohen, Mr. D. J. [Chosen by the Governor.]

D

16. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
17. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
18. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
19. D'Rosario, Mrs. K. [Chosen by Governor.]
20. Dutta, Mr. Kamjini Kumar. [Bengal Legislative Assembly.]

E

21. Ellahi, Khan Bahadur Si Fazal. [Presidency Division South Muhammadan (Rural).]
22. Ehmil, Khan Bahadur Alhadj Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

G

23. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

24. Hunter, Mr. H. C. A. [European.]
25. Haider, Nawabzada Kamruddin. [Bengal Legislative Assembly.]
26. Hosain, Khan Bahadur Saiyed Muzzamuddin. [Bengal Legislative Assembly.]
27. Hossain, Mr. Jatafat. [Chosen by the Governor.]
28. Hossain, Mr. Mohammad. [Bengal Legislative Assembly.]
29. Huq, Khan Bahadur Syed Mohammad Ghaziul. [Tippera Muhammadan (Rural).]

I

30. Ibrahim, Khan Bahadur Maulvi Mohammad. [Bogra Muhammadan (Rural).]

J

31. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

32. Kabir, Mr. Humayan. [Bengal Legislative Assembly.]
33. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
34. Khan, Khan Bahadur Muhammad Asaf. [Rangpur Muhammadan (Rural).]
35. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

L

36. Laidlaw, Mr. W. B. G. [European.]

M.

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
38. Mackay, Mr. H. G. G. [Bengal Legislative Assembly.]
39. *Mitra, the Hon'ble Mr. Satyendra Chandra, [Bengal Legislative Assembly.]
40. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
41. Momin, Begum Hamida. [Chosen by the Governor.]
42. Mookerjee, Mr. Nares Nath. [Bengal Legislative Assembly.]
43. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]
44. Mukherji, Rai Bahadur Satis Chandra. [Burdwan Division North-East General (Rural).]

O

45. Ormond, Mr. E. C. [Bengal Legislative Assembly.]

P

46. Pal Chaudhury, Mr. Ranajit. [Presidency Division General (Rural).]
47. Poddar, Mr. H. P. [Bengal Legislative Assembly.]

R

48. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
49. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
50. Rashid, Khan Bahadur Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
51. Ray, Mr. Nigendra Narayan. [Bengal Legislative Assembly.]
52. Rose, Mr. J. B. [Bengal Legislative Assembly.]
53. Roy, Mr. Amulya Dhan. [Bengal Legislative Assembly.]
54. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
55. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]

x ALPHABETICAL LIST OF MEMBERS. [23rd Nov., 1939.]

56. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
57. Sarker, Rai Sahib Indu Bhusan. [Dacca Division South General (Rural).]
58. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West (Rural).]
59. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
60. Singh Roy, Mr. Saileswar. [Bengal Legislative Assembly.]
61. Sinha, Rai Bahadur Surendra Narayan. [Bengal Legislative Assembly.]
62. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]
63. Scott-Kerr, Mr. W. F. [European.]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

Volume XII—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 23rd November, 1939, at 3-30 p.m. being the first day of the Third Session, pursuant to section 62(2) (a) of the Government of India Act, 1935.

Present :

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

War Situation.

Mr. PRESIDENT: Honourable members of the Council, the House meets to-day under the shadow of another Great War which, though limited at present to Europe, might any moment develop into a world conflagration. The present war was forced upon the Western democracies for the defence of the smaller and weaker nations which had, of late, been the victims of recurrent acts of aggression at the hands of those who worship at the shrine of authoritarianism. By tradition and temperament Indians are a peace-loving people and as such they cannot but abhor such acts of unprovoked aggression in the sphere of International relations. Naturally, therefore, Indian public opinion has from the very beginning of the war expressed itself unequivocally in favour of the stand taken by England and France for the support of the democracies. Let us hope this war will usher in a New Order which will ensure freedom for all nations, great and small, and for India her rightful place in the comity of nations.

Obituary Reference.

Mr. PRESIDENT: Before the House takes up the Order Paper of the day, I consider it my melancholy duty to refer to the sad death, on July 24 last at his Calcutta residence, of Alhadj Nawab Bahadur Sir Abdel Kerim Ghuznavi of Delduar, who was held in high esteem by the people of all communities in this province. The late Nawab

Bahadur had been in indifferent health for the last 4 or 5 years which compelled him to keep aloof from all public activities. A scion of an ancient and aristocratic Muslim family in East Bengal, the Nawab Bahadur availed himself of the benefits of a decent education and culture in his early youth from the public schools in England and also the University of Oxford—a fact to which is to be attributed the refreshing candour and innate generosity which characterised the activities of his many-sided public life in later years. He was called upon to serve his country and fellow-men in various spheres and it is no exaggeration to say that he acquitted himself with considerable credit in all of them. Those who had opportunities of coming into closer contact with him could not but be impressed by the fact that he was free from communal passions and prejudices. I happened to be a colleague of his in the old Bengal Legislative Council in 1924 and I can personally testify to the broad outlook and sweet reasonableness which he displayed even on matters where we had to differ from him. He made extensive travels in Hedjaz, Palestine, Egypt, Sudan, Syria and Iraq and the insight into the problems relating to these Muslim States which he acquired stood him in good stead in functioning as one of the accredited leaders of his community. In his death we mourn the loss of a distinguished public servant and an eminent representative of the landed aristocracy of Bengal. May his soul rest in peace!

I would request the honourable members to rise in their places as a mark of respect to the memory of the illustrious deceased. (All the members then rose in their places.)

It will be duty of the Chair to convey to the members of the bereaved family the sincere sympathy and heart-felt condolences of the Council.

(After a pause) Outstanding questions of the May-July Session, 1939, will now be answered.

QUESTIONS AND ANSWERS

Replies to questions unanswered in the May-July Session, 1939.

District Sub-Registrar of Mowrah.

131. **Rai Sahib INDU BHUSAN SARKER:** (a) Is the Hon'ble Minister in charge of the Education Department aware that the District Sub-Registrar of Howrah seldom observes regularity in attending office but ordinarily attends office between 12 noon and 2 p.m.?

(b) Is the Hon'ble Minister aware that he does not sit in the *ejlas* to receive the documents from the parties but he receives them in his Chamber where the public has no access?

(c) Is it a fact that he asks the party applying for commission to provide him with a conveyance although he realises the prescribed travelling allowance from the party for the same?

(d) Is it a fact that this officer has been degraded and transferred from Dacca to Howrah?

MINISTER in charge of the Education Department the Hon'ble Mr. A. K. Fazlul Huq: (a) It has been found after enquiry that the District Sub-Registrar attends office punctually at 10-30 a.m.

(b) No. He receives documents sitting in *ejlas*.

(c) No.

(d) No. He was transferred from Dacca to Howrah in the interests of the public service.

Trained female teachers for primary schools.

132. Khan Bahadur NAZIRUDDIN AHMAD (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if he is aware of the fact that there is a great demand of trained female teachers for primary schools and that there is a great dearth of such teachers in Bengal at present?

(b) Is it a fact that the number of schools for the training of female teachers for primary schools is small in Bengal as compared to that of other provinces? Is it a fact that the Punjab Government has recently started 200 normal schools for the training of female teachers for primary schools?

(c) Is it a fact that in 1936 there were 67 training schools for girls with 3,399 girls on the roll in Madras, 21 schools with 899 girls in Bombay, 54 such schools with 579 girl students in the United Provinces, 18 schools with 643 girls in the Punjab, and only ten schools with 287 girl students in Bengal?

(d) If so, what steps since then has the Government taken to increase the number of training schools for girls, and what further measures does the Government propose to take in near future? If not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) There is some demand for trained female teachers for primary schools.

(b) In certain provinces there are larger number of schools for the training of female teachers than in Bengal. I have no information about the figures relating to the Punjab.

(c) Yes.

(d) Two training schools for women teachers have recently been started in Calcutta—one attached to the Saroj Nalini Industrial School and the other attached to the Vidyasagar Bani Bhawan. In addition to these, there is a proposal for starting a female training school at Chittagong. The question of the improvement of the existing vernacular training school at Dacca is also under consideration.

Lokenath High School of Rajshahi.

133. Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

- (a) whether the Mussalman students of the Government-aided "Lokenath High School" of Rajshahi town receive the same privileges regarding admission, stipends and free-studentships as those enjoyed by the Hindu students of the school;
- (b) if the answer to clause (a) be in the negative, whether the Government proposes to redress the grievances of the Mussalman students;
- (c) the number of Hindu and Mussalman boys of the Lokenath High School, Rajshahi;
- (d) the number of Hindu and Mussalman teachers of the same school; and
- (e) whether there is any Mussalman member on the Governing Body of that school?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) No distinction is made as regards admission between Hindu and Moslem students. The Hindu students are eligible for more free-studentships than the number due to them according to departmental rules. This is reported to be in part due to the concession arising out of the Sitlai Estate contribution. The Moslem students are eligible for a somewhat smaller number of free-studentships than the number allowable to them according to the departmental rules.

(b) I am making an enquiry and shall take whatever steps are suitable to the circumstances as may be found after enquiry.

(c) On the 31st March, 1939, there were 392 Hindu students and 168 Moslem students on the rolls of the school.

(d) On the same date there were 21 Hindu teachers and 3 Moslem teachers.

(e) Yes, there are two Moslem members on the Governing Body.

Operation of the Government of India, Adaptation of Indian Laws Order, 1937.

134. Rai Bahadur SURENDRA NARAYAN SINHA: (a) Is the Hon'ble Minister in charge of the Finance Department aware of the fact that great difficulty has arisen in connection with the receipt of money by the District Boards as a result of the operation of the Government of India, Adaptation of Indian Laws Order, 1937, which makes public works cesses, fines and penalties imposed under the Local Self-Government and other Acts creditable to the Provincial Revenues to be redistributed on the basis of equivalence by the Provincial Government among the District Boards, etc.?

(b) Is the Government aware that the Collectors of different districts have sent references to the Accountant-General, Bengal, to direct and instruct them as to how to make the redistribution?

(c) Is the Government considering any notes from the Accountant-General to make the necessary reappropriation to the District Boards and when will it be possible for the Government to come to a final decision to pass the necessary orders for such appropriation?

(d) Does the Government propose to introduce necessary legislation to do away with this complicated round-about process?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (a) Government are aware that owing to an accounting difficulty there was some delay in the payment of cess collections to the District Board of Murshidabad. Steps have since been taken to ensure regular payment.

(b) A few references on technical points were received by the Accountant-General.

(c) All the references have been disposed of by the Accountant-General.

(d) Government are advised that legislation to restore the *status quo* in the matter of dues affected by the "Adaptations" is barred by section 110 (b) (ii) of the Government of India Act, 1935.

Gambling.

125. Mr. RANAJIT PAL CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Calcutta Police is aware that several persons are running a gambling den at 5/1, Royal Exchange Place, Calcutta?

(b) If so, what steps have been taken against the persons concerned?

(c) Is it a fact that Mr. D. N. Bhattacharjee, Inspector, raided the said place on the 28th August, 1935, armed with a warrant issued by the Officiating Commissioner of Police, Mr. A. D. Gordon, C.I.E., and arrested about 560 persons under sections 44 and 45 of the Calcutta Police Act and that all the persons were found guilty and fined?

(d) Is it a fact that the said persons claimed in the court that they did not assemble there for gambling but assembled there for legitimate business and that they had there a limited concern named the Eastern Bengal Jute Association, Limited, and that Mr. Bilasrai Poddar, Bhagwandas Jhunjhunwala and several others were the Directors of that Association?

(e) Is it a fact that the Eastern Bengal Jute Association, Limited, has an asset of about forty-five thousand rupees and liabilities of about eight thousand rupees according to the last balance-sheet submitted to the Registrar, Joint Stock Companies, Bengal?

(f) Is it a fact that after the said raid and the said decision of the case by the court, no account was submitted about the disposal of the said capital of about forty thousand rupees?

(g) Is it a fact that the said Eastern Bengal Jute Association, Limited, was situated at 5/1, Royal Exchange Place, and after the mysterious disposal of the fund of that limited concern, the Directors and office-bearers of the said concern have started the present organisation (alleged gambling den) with the same furniture and Directors in the same building?

(h) Is it a fact that the then learned Chief Presidency Magistrate made certain remarks about the Calcutta Police in the concluding portion of his judgment delivered against the said organisation on the 24th February, 1936? If so, will Government be pleased to state exactly what the terms of the remarks were?

(i) If the answers to clauses (a) to (h) be in the affirmative, have any steps been taken against these people for the mysterious disposal of large funds of a limited concern and does the Government propose to take steps against those persons who have started the present new limited concern in the same building with the same people and furniture and under the same landlord?

(j) If so, what are they; and if not, does the Hon'ble Minister propose to investigate into the matter and place the results on the table of the House? If not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) No.

(b) Does not arise.

(c) Yes; the Inspector raided the place on the 26th August, 1935, with a warrant issued by Mr. Gordon and arrested 544 persons, the majority of whom were convicted.

(d) Yes.

(e) and (f) From the balance-sheet, up to 1934-35, as filed with the Registrar, Joint Stock Companies, on the 12th March, 1936, it appeared that the assets of the Association were shown as Rs. 45,053-5-9 against a liability of Rs. 8,277-7-9. No further accounts were filed as the Association was removed from the Registrar under section 247 of the Indian Companies Act on its being declared illegal by the High Court on the 2nd July, 1936.

(g) I am not aware of it.

(h) Yes, but the remarks made by the Chief Presidency Magistrate in his judgment were expunged by the Calcutta High Court.

(i) and (j) No complaints have been received regarding the disposal of the balance of the funds of the Eastern Bengal Jute Association, Limited. It is not proposed to take any action against the present Association unless evidence is forthcoming of illegal practices.

Appointments to the posts of Jailors.

136. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) if it is a fact that at present out of twenty-four permanent Jailors in Bengal only five are Muhammadans;

(b) if it is a fact that none of the three Deputy Jailors, at present acting as Jailors, are Muhammadans;

(c) whether both the last two permanent vacancies which occurred recently in the grade of Jailors, have been filled up by two Hindu Deputy Jailors; and

(d) whether the Government propose to give a due communal share in the grade of Jailors, in compliance with the latest Government orders, by promotion of Muhammadan Deputy Jailors or by direct recruitment from outside?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (c) Yes.

(b) No. A Moslem Deputy Jailor is acting as Jailor.

(d) Promotion is made on the criteria of seniority and merit and not of communal considerations. Jailors are not recruited direct from outside but are promoted from the cadre of Deputy Jailors and European Warders.

Khan Bahadur SYED MUJIBUDDIN HOSAIN: With reference to answer (d), will the Hon'ble Minister consider the desirability of recruiting directly jailors from educated graduates?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot give a definite promise but this is one of the questions which I will look into along with the application of the Government resolution on the communal ratio.

Appointment of Warders in Jails.

137. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) the number of Head Warders, Warders and Extra Warders in Bengal Jails;

(b) how many of them are Bengalis;

(c) how many of them are Muhammadans;

(d) whether it is proposed to stop recruitment of up-country men to the posts; and

(e) what steps have been taken to appoint Muhammadan Warders and Head Warders?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Chief Head Warders and Head Warders—200; Warders, including females—1,949; Extra Warders—233.

(b) 383.

(c) 452.

(d) No. Preference is now being given to suitable Bengali candidates.

(e) Suitable Moslem candidates are given preference for the post of Warden. Appointments to the post of Head Warden are made by promotion on the basis of merit and seniority.

Cottage industries of Chittagong

138. Khan Bahadur N'AZIRUDDIN AHMAD (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether it is a fact that the Pathantully Muhallah of the Chittagong Municipality, Satkania thana, and Patiya, of Chittagong, were once famous for cottage industries of rope-making, weaving, net-making and hand paper-making, respectively.

(b) Is it a fact that the once flourishing rope-making cottage industry of Pathantully, weaving and net-making of Satkania and hand paper-making of Patiya are now fast dying out?

(c) Will the Hon'ble Minister concerned be pleased to state if he proposes to hold enquiries into the present condition of these cottage industries and after due enquiries to take such reasonable measures as he thinks proper to revive and revitalise these cottage industries? If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) and (b) Yes.

(c) The Industrial Survey Committee appointed by the Government have been inquiring into the condition of cottage industries and measures necessary for their revival and development. Suitable action will be taken on receipt of the Committee's report.

Honorary Magistrates.

139. Rai Bahadur SURENDRA NARAYAN SINHA: Will the Hon'ble Minister in charge of the Judicial and Legislative (Judicial) Departments be pleased to state—

(a) how many Honorary Magistrates there are under the Government of Bengal in the Province,

(b) how many of such Magistrates are Magistrates of the First Class, how many of the Second Class and how many of the Third Class;

(c) what amount is spent by the Government in connection with the establishment of Honorary Magistrates; and

(d) what is the rate of disposal of cases by such Magistrates as compared with stipendiary Magistrates?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruff Hosain, Khan Bahadur): (a) 517; and (b) 45; 118; and 354. The attention of the hon'ble member is invited to the Bengal Civil List corrected up to 1st January, 1939. Gentlemen appointed before 1898 and those who are permitted to retain the designation of Honorary Magistrate have been excluded.

(c) The information is not easily available and cannot be obtained without an expenditure of time and labour which the Government regret they are unable to undertake.

(d) Cases disposed of in 1937 by—

Honorary Magistrates	...	38,603
Stipendiary Magistrates	...	141,695

Leper Colony of Midnapore.

140. Rai Bahadur MANMATHA NATH BOSE: *(e) Is it a fact that the District Board of Midnapore has since opened four Leper Clinics in thana Salbani, five in thana Binapore, four in thana Garbeta, one in thana Panchkura, two in thana Jhargram, two in thana Gopiballavpore, and one in thana Tamluk?

(g) Is it a fact that the Midnapore District Board drew a scheme for a colony of 100 lepers at a capital cost of Rs. 52,500 and a recurring cost of Rs. 14,000 only and that the said District Board provided for the entire capital cost and half the recurring cost in their budget of 1937-38 (and that the Director of Public Health strongly recommended the said scheme of the Midnapore District Board)?

The Hon'ble Mr. TAMIZUDDIN KHAN: The statistics collected some time ago are now obsolete. The latest information is—

(c) Yes. In addition one leprosy clinic has been established in thana Contai.

(g) Yes. The scheme was recommended by the Director of Public Health, Bengal.

141. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(a) what has been the total expenditure from Public Exchequer for the last ministerial tour;

*Other clauses of the question were replied to on the 11th July, 1939.

- (b) who were the Hon'ble Minister who were concerned in the last tour and what are the places they visited;
- (c) whether the places they visited lie within the Dacca Rural Muhammadan Constituency;
- (d) whether it is a fact that they or any of them participated in the election campaign of the successful Moslem League candidate in the last bye-election in the said constituency;
- (e) if the answer to clause (d) be in the affirmative, whether they will be allowed or whether they have been allowed tour expenses from the Public Exchequer; and
- (f) what for the last tours were undertaken by the Hon'ble Ministers?

The Hon'ble Mr. NALINI RANJAN SARKER: A statement giving the necessary particulars is laid on the table.

Statement referred to in the reply to Question No. 1.

Department.	When Hon'ble Minister was last on tour.	Expenses of the tour.	Whether the places visited lie within the Dacca Rural constituency.	Whether Hon'ble Minister participated in the election campaign in the constituency.	If the cost of Hon'ble Minister's journey has been borne by public exchequer.	Purpose of the last tour.
1	2	3	4	5	6	7
		Rs. a.				
Judicial ..	11th to 17th May, 1939 ..	165 0	No	No	Yes	Official.
Commerce and Labour ..	11th May, 1939 ..	203 0	No	No	Yes	Official.
Public Health ..	28th June, 1939 ..	57 4	No	No	Yes	Official.
Communications and Works ..	12th to 13th May, 1939 ..	100 0	No	No	Yes	Official.
Forest and Excise ..	17th to 20th June, 1939 ..	72 0	No	No	Yes	Official.
Co-operative Credit and Rural Indebtedness.	15th to 18th June, 1939 ..	116 8	No	No	Yes	Official.
Finance ..	13th to 17th May, 1939 ..	148 12	No	No	Yes	Official.
Home ..	1st week of June, 1939 ..	Not known	Yes	Yes	No	Official and political.
Revenue ..	20th to 22nd May, 1939 ..	53 0	No	No	Yes	Official.
Education ..	29th May to 3rd June, 1939 ..	190 0	Yes	Yes	Yes	Official and Political.
Industries ..	17th May to 9th June, 1939 ..	613 15	Yes	Yes	Yes	Official and Political.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Finance Minister please look at the statement? In reply to the question as to when the Hon'ble Home Minister was last on tour, the answer is during the 1st week of June, 1939. Then in reply to the question as to whether the places visited lie within the Dacca Rural Muhammadan constituency, the answer is in the affirmative. Again, in reply to the question as to whether the Hon'ble Minister participated in the election campaign, the answer is "Yes". But in reply to the question if the cost of the Hon'ble Minister's journey has been borne by public exchequer, the answer is "No." As regards the purpose of the tour, the answer is—official and political. May I take it that the cost of the journey was not borne by the public exchequer and no bill was submitted because the rules did not permit any such expenses being borne by the public exchequer where an election campaign was carried on by a Minister?

The Hon'ble Mr. NALINI RANJAN SARKER: The answer is in the negative.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Finance Minister please look at the statement again regarding the departments—Education and Industries? It appears from the statement that though the Hon'ble the Chief Minister participated in the election campaign in the Dacca Rural Constituency, the expenses were borne by the public exchequer. So was the case with the Hon'ble Nawab Bahadur of Dacca. He also participated in the election campaign in the Dacca Rural Constituency but the cost of the journey was borne by the public exchequer. Why was this difference between the claims of these two Ministers and the claim of the Hon'ble the Home Minister?

The Hon'ble Mr. NALINI RANJAN SARKER: That depended on the Hon'ble Minister himself.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if he thought that it was not proper and fair to submit any such bill when he actually went out on electioneering campaign?

The Hon'ble Mr. NALINI RANJAN SARKER: That is a matter of opinion and ought to be put to the Hon'ble Home Minister himself, and not to me.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it was that electioneering campaign in the Dacca Rural Constituency where a certain Muhammadan lost his life?

The Hon'ble Mr. NALINI RANJAN SARKER: For that, you will have to put a question to the Minister in charge and not to me.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, this is not an answer to my question. My question was whether it was that electioneering campaign.

The Hon'ble Mr. NALINI RANJAN SARKER: This is not within my knowledge.

Replies to Questions of the Current Session.

Education of prisoners.

1. Khan Bahadur NAZIRUDDIN AHMAD (on behalf of Mr. Nur Ahmad): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if any arrangement has been made in Bengal for the education of prisoners by paid teachers as is done in the Punjab?

(b) If not, what steps does the Government of Bengal intend to take in this matter?

(c) What is the total annual expenditure incurred for education of prisoners in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes. Two paid teachers have been appointed in the Presidency Jail, in each of the Central Jails at Alipore, Dacca and Rajshahi and in the Berhampore District Jail and one in the Midnapore Central Jail.

(b) Does not arise.

(c) The total expenditure during 1938-39 was Rs. 3,727 approximately. Estimated expenditure in 1939-40 is Rs. 6,100.

Prohibitory orders on Sj. Saradindu Bhattacharjee and Sj. Shusil De.

2. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether it is a fact that the political prisoners Sj. Saradindu Bhattacharjee and Sj. Shusil De were released before expiry of their term of sentence unconditionally on the 9th October last;

- (b) whether it is a fact that as soon as they came out of jail they were served with notice under the Defence of India Ordinance prohibiting them from entering their own district, Chittagong;
- (c) whether since then they are living on charity in Calcutta where they have no friends and relations to maintain them; and
- (d) whether the Government proposes to remove the prohibitory order on them without delay to give them a chance of living with their families and not to live on charity at Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) Yes.

(c) I have no official information on the point.

(d) No.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if any application was made by Saradindu Bhattacharjea and Sushil De detailing their circumstances to Government and praying for being supplied with funds for their living?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not as far as I am aware of.

The Gumti embankment.

3. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that for many years, crops are being destroyed on account of the breaches of the Gumti embankment in the district of Tippera?

(b) Has the Hon'ble Minister read a report in the *East Bengal District Gazetteer* to the effect that in the year 1784 crops were destroyed by flood due to breaches in the Gumti embankment and there was famine in the flood-affected area and 7,000 people died of starvation and 12,000 people left the locality in search of relief?

(c) Will the Hon'ble Minister be pleased to state in what way the treatment of this embankment by this Government has differed in any material particulars from its treatment by the old Government?

(d) Is it a fact that attention of the Government is being drawn continually to this question since it has come into being and that besides promises and proposals, the Government has done nothing to give permanent relief to the town of Comilla and the people of the Sadar subdivision of Tippera from the ravages of flood-water by breaches of the embankment?

(e) Have the Government been realising for more than twenty years Rs. 20,000 to Rs. 25,000 annually as the Gumti embankment tax in Tipperah?

(f) Have there been breaches of embankment during this period every year causing destruction of crops of the tenants of the quarter, from where the embankment tax is being realised?

(g) If so, are Government agreeable to pay damages?

(h) Did not this year also the water over-reach the highest water level and cause several breaches in the Government-controlled portion of the embankment causing destruction of crops and untold miseries to the people for the amelioration of which the public had to open flood relief fund and give the affected people temporary relief?

(i) Were plans for "escapes" prepared and estimates drawn up last year for giving relief to the people from the ravages of flood caused by breaches in the said embankment?

(j) Do the Government propose to put into action those plans?

(k) Will the Hon'ble Minister be pleased to state what steps, if any, Government intends to take in the next dry season as a permanent measure of relief from the breaches in the said Gumti embankment?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) Damage to crops has generally been due to breaches in a portion of the embankment for the maintenance of which Government have not considered themselves responsible.

(b) I have seen the passage which I think the hon'ble member has in mind.

(c) So far there has been no change of policy.

(d) I understand that in recent years the town of Comilla has sustained little or no damage in consequence of breaches in the embankment. With regard to other areas, attention is invited to the answers which I have given to parts (a) and (c).

(e) During the last five years the average annual expenditure on the maintenance of the Government portion of the embankment has been about Rs. 16,115. Under section 58 read with sections 51 and 53 of the Embankment Act, Government cannot recover more than the amount spent; and under an arrangement with one of the zemindars fixing the maximum recoverable from him it may happen that realisations fall short of expenditure.

(f) Not in the Government portion.

(g) Does not arise.

(h) I am informed that there was only one breach in the portion referred to.

• (i) Yes.

(j) and (k) I am not satisfied that any feasible scheme so far prepared would ensure complete immunity from flooding for the whole area commanded by the river. Discussions as to whether the whole embankment should be maintained by Government without recovering more than a portion of the cost are now proceeding.

Bridge over river Saraswati.

4. **Rai Bahadur MANMATHA NATH BOSE (on behalf of Rai Bahadur Satis Chandra Mukherji):** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state how long the bridge on the Saraswati River in the Municipal town of Bansberia in the district of Hooghly has been kept closed to vehicular traffic? Will he please state at what stage or condition is the question of the reconstruction of the said bridge at present? Can the Government give an idea of the time when the bridge will be completed and be opened to vehicular traffic?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am making enquiries and hope to be in a position to give a reply at an early date.

May I, Sir, with your permission add the information which I have since received?

Mr. PRESIDENT: Yes.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The question refers to a breach which is within the jurisdiction of the Bansberia Municipality and Government cannot say when the breach is expected to be completed. It is also a fact that vehicular traffic has been suspended for a number of years.

Investigation into the causes of flood.

5. **Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:** Is the Hon'ble Minister in charge of the Communications and Works Department aware that a Committee of Experts and Ministers of some of the Provinces like Bihar, the United Provinces and the Punjab were appointed to investigate into the causes of floods in some of those Provinces? If so, did the Government of Bengal take any steps by sending either a Minister or Departmental Officers to take part in the deliberations of that Committee? If not, why not?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Gossimbazar: An Inter-Provincial Flood Conference attended by representatives of Bengal, Bihar and the United Provinces, was held at Lucknow in January last. The Conference recommended that a Ganges River Commission should be constituted and that an *interim* committee of experts should be appointed for the purpose of collecting and studying the necessary data, and recommending remedial measures. This Province is represented on the committee by the Chief Engineer, Bengal, Irrigation.

With your permission, Sir, I may add that the Interim Committee had their first sitting at Lucknow from 16th to 18th of this month and they have considered further matters in connection with protection from floods.

Motions for Adjournment for Purposes of Debate.

Mr. PRESIDENT: Order, order. Three notices of adjournment motions have been received. The first one is from Begum Hamida Momin. She has given notice that the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, "the failure of the Government of Bengal to impress upon the Government of India the necessity of keeping the Calcutta Port open for Haj pilgrim traffic this year (i.e., 1939), which is causing great inconvenience to the intending pilgrims from Bengal and Assam."

There is no doubt that this is a matter of public importance. But section 98 of the Bengal Legislative Council Procedure Rules lays down that the subject-matter of an adjournment motion must primarily be the concern of the Provincial Government. Will the honourable member please explain how this matter can be regarded as being primarily the concern of the Provincial Government?

Begum HAMIDA MOMIN: Mr. President, Sir, the question of the Calcutta Port is no doubt essentially a question for the Central Assembly. But looking into the history of this port, we find that when this port was opened the Government of India at every stage consulted the Bengal Government and finally when it decided in 1926 that the Calcutta Port should be opened for the Haj pilgrims, it was done so according to the advice of the Bengal Government. Under the Government of India Act, 1935, the Central Government with effect from the 1st April, 1939, were pleased to entrust by Notification No. F. 149-33/36G., dated the 30th March, 1938, to the Government of Bengal with the consent of the Central Government under the

provisions of the Port Haj Committee's Act, 1932 (Act XX of 1932), the Protection of the Muhammadan Pilgrims Act, 1896 (Bengal Act, I of 1896), and the Indian Pilgrim Ships Rules, 1933, that is, the Calcutta Port Haj Committee Rules, 1933.

I am, therefore, inclined to believe and it is my conviction that the Bengal Government has a great deal to do with this question and they are primarily concerned with it. If they took the trouble of impressing upon the Government of India the hardships that poor Muhammadan pilgrims will have to undergo in order to cross the whole country to go to Bombay and how long they would have to wait there for ships to go to Zedda, I am sure the India Government which has always shown a sympathetic concern towards this question would have made some arrangements for opening the port even temporarily.

Mr. PRESIDENT: Your contention is that they have failed in their efforts to secure relief for the Haj pilgrims.

Begum HAMID MOMIN: Yes, Sir. The Government of Bengal could have impressed upon the Government of India the difficulty that the pilgrims will be put to if the port is closed.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. President, Sir, it is with the greatest reluctance that I have to oppose this adjournment motion clearly because I feel that it is a question of precedent. If this motion is accepted, then it will lead to serious difficulties in the future. Besides, Sir, I feel that this motion is not admissible on the ground of our existing rule to which you have already referred.

There are many points on which I would like to take objection to this motion and they are all based on technical grounds and not on merits. As far as the main point of the mover is concerned, namely, that the would-be Haj pilgrims would be inconvenienced, that question is certainly one with which I fully agree with the Begam Sahiba. But unfortunately this is a matter on which the Local Government have no direct responsibility whatsoever. Haj is entirely a central subject. Discussion on the subject of Haj cannot be raised in any shape or form under the Government of India Act in the provincial legislature and therefore, Sir, when a subject cannot be discussed in the legislature because it is entirely a central subject, I feel that no motion of closure can be moved with reference to that subject. Besides, Sir, the adjournment motion, as it is worded, is still more difficult to accept, namely, the failure of the Government of Bengal to impress upon the Government of India the necessity of keeping the Calcutta Port open for Haj pilgrim traffic this year and the consequent inconvenience to the intending pilgrims from Bengal and Assam.

Now, if a motion of this character is accepted on this question, there is nothing to prevent any member from moving an adjournment motion on the ground of failure of the Government of Bengal to represent to the Government of India who should represent to the British Government that they should have taken steps not to have any war at all (laughter). Similarly, there are other subjects on which it can be said that though this Government has no responsibility whatsoever, the people of this province are affected and therefore the Local Government should have made representations to the Central Government and because they have not done so, therefore, an adjournment motion should be admitted. Thirdly, Sir, I feel that failure of Government on a question for which they are not directly responsible ought not to be discussed because Government are responsible to the legislature for subjects for which they are directly responsible. Both commission and omission about subjects for which they are not directly responsible ought not and could not be discussed in the provincial legislature. The Ministry is responsible to the legislature for the subjects for which they are directly responsible; subjects for which they are not directly concerned should not, I submit, be allowed to be discussed in this legislature. For example, if you take the question of representation about Haj, for a responsible Government to make any representation, they must be in possession of all the facts: not only the one-sided difficulties and hardships of the would-be pilgrims or rather the pilgrims from Bengal, but they should also be in a position to know what are the difficulties of the Government of India and why they have not been able to allot a ship to Calcutta.

While the Government of Bengal are fully aware of the difficulties of Haj pilgrims if a ship is not allotted, they are not in possession of facts as to why the Government of India have stopped the pilgrim boat from sailing from Calcutta. Therefore, they are not in a position to make an effective representation of the subject. We must know both sides of the case to be able to put up a cast-iron case before the Government of India. The mere possession of one-sided information debars a responsible Government from making a representation on the subject. Therefore, it would not be correct to allow a discussion on a motion of this kind.

Now, Sir, there is another point which I would like to stress. I think—though I am making an allegation, still I am indirectly giving information as well—it is the rule that if a subject is brought before the House, members who are making any statements should make themselves responsible for their correctness. As far as this motion is concerned, it is entirely based on the alleged failure of the Government of Bengal to make a representation to the Central Government. Now, I would like to know how the Begum Saheba has satisfied herself that the Government of Bengal have made no representation on the subject.

That, I consider, Sir, is a very important point. If the Begum Saheba can be sure that the Government of Bengal have taken no steps in this matter, then I admit that if my previous objections are over-ruled, this motion can be admitted. But I maintain even if my previous objections are over-ruled, the fact that the Begum Saheba has not satisfied herself that the Government of Bengal have made no representation or taken no steps in this matter should debar her from moving this resolution. I want to convey to the House indirectly that as far as the Government of Bengal are concerned, they made a representation at the earliest opportunity available to them on this subject. I may mention certain dates in this connection. The Government of India stopped all sailings on 11th September, 1939, that is to say, in the month of September. Then they decided to resume sailings from Bombay and Karachi on 2nd November, 1939. A deputation of Muslim public waited on the local Government about the 4th or 5th of November, and immediately a representation was made to the Government of India. But before our letter could be despatched the Government of India issued a notification pointing out the reasons why they could not spare the ships. I may read just for the information of the House the reasons given by the Government of India as to why they cannot spare a ship. It says—

"The Haj season coincides with the peak periods of essential goods traffic. In ordinary circumstances sufficient shipping is available to offer necessary relief to railways. With the shortage of shipping now being experienced, the Government of India cannot contemplate the extended voyage from Calcutta, owing to the need for the economic use of cargo space. The Government of India therefore greatly regret that they have been compelled in the public interests to abandon the pilgrim ships from Calcutta."

Therefore, it would appear that although this was published before our letter on the subject reached them, subsequently they must have got it. I maintain, Sir, that in view of what I have said, particularly on the question of principle which I feel it is very important that this House should observe, the Council should confine themselves to the discussion of subjects for which the Government are directly responsible. Otherwise, we may discuss through adjournment motions practically anything we like. But there can be no criticism of Government for any act of omission or commission on subjects for which they are not directly responsible to the Legislature. That I maintain is one of the most important fundamental principles. Government can only be held responsible for those things for which they can give to the Legislature a satisfactory explanation, that is to say, on those subjects regarding which they are fully aware of all the facts, both for and against, and then they have either failed to do what they should have

done or done something which they should not have done. That is a question on which the Legislature can take us to task and hold us responsible—

Mr. PRESIDENT: Order, order. I appreciate the point. But before I give my ruling, I should like to hear Mr. Humayun Kabir, who has given notice of a similar motion, on this very point, viz., how this matter can be regarded as being under the administrative control of the Local Government.

Mr. HUMAYUN KABIR: Sir, I regret very much that the Hon'ble Sir Nazimuddin, in spite of his very eloquent appeal, has not been able to convince any members, I am sure, of this House with the arguments that he has advanced.

Mr. PRESIDENT: Order, order. He is not required to convince any member but only the President on a point of order (laughter).

Mr. HUMAYUN KABIR: I submit, Sir, that he has not succeeded in convincing the President. When we are not convinced, I am sure that you, Sir, with your acumen, are still less convinced.

I think that two or three points have been raised by the Hon'ble Sir Nazimuddin in order to contend that this is not a motion which should be allowed to be discussed in this House. This adjournment motion would be out of order on the following grounds: firstly, that it does not directly concern the Government of Bengal, secondly, that there is no way of Begum Hamida Momin knowing whether the Government of Bengal have made any representations or not to the Central Government—particularly the efforts which the Government of Bengal actually made. But I think, Sir, that the Hon'ble Sir Nazimuddin has failed to reply to the very pertinent point which was made by the Begum Saheba, viz., that by notification No. F149/37/36G., dated the 30th March, 1938, the Central Government with effect from the 1st of April, 1939, were pleased to entrust to the Government of Bengal with their consent the functions of the Central Government under the provisions of the Port Trust Act XXXII, Act XX of 1932 and several others. The main point I urge is that since by this particular notification of 30th March, 1938, the Government of Bengal were allotted the functions of the Central Government, with their consent, they are in the position of agents to the Central Government and therefore with regard to this particular question of Haj pilgrim traffic, the Bengal Government must take a due share of the responsibility for the fact that no ship has been provided from the port of Calcutta this year.

Then, with regard to the other point made as to how the Begum Saheba or any other member might know about the failure of the

representation of the Government of Bengal, I think that the Hon'ble Sir Nazimuddin has been arguing on a wrong premise. There is no suggestion on the face of it in the adjournment motion that the Bengal Government have not made any representation. The question is the failure of the Government to impress upon the Government of India. It may be that the Government of Bengal have made one representation and Sir Nazimuddin has given us a date on which such a representation was made. That does not mean that a sufficient representation has been made. It may even be that the Government of Bengal have made what they think to be a sufficient representation. But at the same time on that account the members of the House will not accept that sufficient representation has been made. What is sufficient for the Government of Bengal may not be sufficient for the members of this House and certainly may not be sufficient for the members of the public who have a right to know why the Haj pilgrim traffic should be interfered with in this manner. Thirdly, the point raised by Sir Nazimuddin was, if I may say so, entirely irrelevant. The question about the share of the Government of Bengal or this Council taking the Government of Bengal to task on account of its failure to represent to the Central Government or its failure to make certain other representations somewhere else in order to prevent, propagate or do any other thing when this great war is raging is entirely irrelevant. There have been occasions in the past when discussions have been allowed on a similar motion and you have yourself admitted on a previous occasion an adjournment motion when we discussed the question of the sufferings which Bengalis had to undergo on account of the terrible riots which took place in Burma. There also the Government of Bengal first took up the plea that they were not directly involved and that they were not directly responsible for the maintenance of law and order there. But in spite of that you have, Sir, may I very humbly submit, rightly held that the Government of Bengal are certainly responsible for the lives and properties of Bengalee residents in Burma. Fourthly, Sir, I would submit that the Hon'ble Sir Nazimuddin has given us certain facts which we did not know before we came to this House. He stands convicted out of his own mouth, if I may say so, with regard to the failure of the Government of Bengal to impress sufficiently upon the Government of India about the importance of keeping Haj traffic open from the port of Calcutta, if I remember the dates rightly, the first information was from the Government of India in the form of a public notification on the 11th of September and then he said that the reply of the Government of Bengal went on the 4th of November. I think I am correct because I took down the figures.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not correct.

Mr. HUMAYUN KABIR: I would like to have correct information.

The Hon'ble Khwaja Sir NAZIMUDDIN: 11th September was the date of the first notification cancelling all sailings from all ports. Then, the Government of India decided to resume sailings from Bombay and Karachi on the 2nd November, 1939.

Mr. HUMAYUN KABIR: When was the letter of the Government of Bengal sent?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the 7th November, 1939.

Mr. HUMAYUN KABIR: That is even worse. The Government of India had declared that there would be no shipping on the 11th of September and the Government of Bengal in their wisdom slept for more than two months after which on the 7th of November the Government of Bengal sent for the first time a communication to the Government of India and that also after the Government of India had made up their mind that ships would be provided at least from the two ports of Bombay and Karachi on the 2nd November. All these facts we did not know before what representations were actually made by the Government of Bengal. The Hon'ble Sir Nazimuddin has given us certain facts. In view of these considerations—I do not want to go into the merits of the question now—I submit, Sir, that you will allow the adjournment motion. When the occasion arises, we will go into the question of the port of Calcutta and also to the history of the rivalry of a particular European company which has been trying hard for a long time—

Mr. PRESIDENT: Order, order. I have given sufficient latitude to the honourable member as he had himself given notice of a similar motion. I think I have heard enough and I hold that this motion is out of order on the ground adduced by the Hon'ble Home Minister that it is not primarily within the administrative control of the Provincial Government.

The Council then adjourned for 15 minutes for prayer.

(After adjournment.)

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I have got an adjournment motion—

Mr. PRESIDENT: Order, order. Another notice of adjournment motion was received from Mr. Lalit Chandra Das which runs thus:—

“This Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation which has arisen

out of the Bengal Government notification No. 4785P., dated the 5th September, 1939, and published in an extraordinary issue of the *Calcutta Gazette*, dated the 6th September, 1939, embodying prohibitory orders for a period of six months commencing from 6th September last with regard to public meetings, assemblies or processions and the press in Bengal which has resulted in suppression of civil liberties with respect to all legitimate activities in those spheres."

The remaining portion of the motion is clearly out of order.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. President, Sir, I have got objection to this motion being moved on the ground that this is a subject which could have been raised for discussion by means of a resolution and taken its chance in the ballot.

I submit, Sir, that the cause of action arose on the 5th September last when Government first published the notification. The two dates are 5th and 6th September. So, the honourable member had time to bring this subject before the House by means of a resolution, and I believe, Sir, that it is the practice—and a recognised practice—that a subject which can be discussed by means of a resolution should not be brought by means of an adjournment motion; otherwise it will mean that all resolutions can be discussed by means of adjournment motions.

Mr. PRESIDENT: On the contrary, it may be argued that the subject-matter of every adjournment motion can be discussed by means of a resolution.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that is not possible for two reasons. Under the rules, 21 days' notice is necessary to move a resolution. Supposing that there is not sufficient time to give notice of a resolution, then an adjournment motion can be raised; or if the matter has arisen after the date for notice has expired, then you can raise it by means of an adjournment motion. But here this matter was before the public from the 5th September; and the honourable member had sufficient time to exercise his right to move a resolution on this subject. On this ground, Sir, I oppose it.

Mr. PRESIDENT: Suppose, notice of such a resolution was given 21 days before but in that case the honourable member would have to depend on the caprice of the ballot box. He may not get any chance at all of moving his resolution. Will you please refer to clause (iv) of section 99 of the Legislative Council Procedure Rules which states that a motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given, regard being had to the probability of the matter anticipated being brought before the Council within a

reasonable time. Where is the 'certainty or even the probability of the question being discussed when the matter depends entirely on the chance of the ballot box? So, clearly it does not come under the mischief of the Rule of Anticipation.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that if the honourable member had given notice of a resolution and if he had failed to get his chance in the ballot, then there would have been a legitimate ground for coming up with an adjournment motion on the ground that the matter was of urgent public importance which must be discussed immediately. The honourable member must, in the first instance, utilize the ordinary machinery for bringing a subject for discussion in the legislature. If that ordinary machinery cannot be utilized, then he has got a right to use the extraordinary method of bringing the subject before the legislature by means of an adjournment motion.

Mr. PRESIDENT: Will you please refer to the particular clause against which this motion offends?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is an accepted rule. I find nothing definite in the rules. I admit it, but this is, I believe, an accepted practice here and everywhere. I submit, Sir, that it comes under section 98, if I may say so, which runs thus: "No motion for an adjournment of the business of the Council for the purpose of discussing a definite matter urgent public importance shall be admissible if it relates to a matter which is not primarily the concern of the Provincial Government". Sir, I take my stand on section 98.

Mr. PRESIDENT: That applies to the second portion?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, to the first portion. The matter is, I submit, not urgent because the honourable member had his chance of giving notice of a resolution on this subject as soon as the legislature was called to meet. Therefore, Sir, I submit that this matter is no longer an urgent matter of public importance. The one fundamental principle of an adjournment motion is that notice should be given as soon as the cause of action arises. In this case, I submit that the cause of action arose on the 5th and 6th of September last and the honourable member had an opportunity of bringing the subject before the legislature through a resolution. He has not utilized it and therefore I submit that this is no longer an urgent matter of public importance.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think that I should intervene after the speech of the Hon'ble Home Minister. But the question as to whether it has a probable chance of being discussed, which was mentioned by you, Sir, only arises if notice has been given in the form of a resolution. The rule definitely states that you may bring up a matter, which has been moved in the form of a resolution, as an adjournment motion if there is no probability of its coming up in the ordinary course. If the honourable member does not give notice of the resolution, the question of probability cannot be discussed. That rule clearly contemplates that when the Chair is going to adjudge the probability or not of a motion coming up for discussion, then the honourable member must have given notice of a resolution. It is only then, Sir, that you can adjudicate on the probability. I submit, Sir, that that rule which you yourself read out contemplates that notice should have been given in the form of a resolution.

Mr. PRESIDENT: I do not think that it will be seriously contended that the matter is not urgent when the motion for adjournment has been given notice of on the very first day of the present session. From my experience of the central legislature, I may say that there are innumerable cases in which it has been held that the point relating to the urgency of any matter cannot be affected if the adjournment motion is tabled on the first available opportunity. The honourable member has availed himself of the first opportunity, in this instance, by giving notice of the adjournment motion to-day. So, I hold that this motion is in order. Is there any objection from any honourable member ~~to this~~ motion being discussed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I object.

Mr. PRESIDENT: As there has been objection, I would request the honourable members who are in favour of this motion being discussed to rise in their places.

(Some members rose in their places.)

Mr. PRESIDENT: As less than 13 members have supported this motion for adjournment, I may inform the Hon'ble Member that he has not the leave of the Council.

There is another motion for adjournment from Mr. Humayun Kabir but it covers the same ground as the first one. So, I hold that it is out of order on the same ground.

Panel of Chairmen.

MR. PRESIDENT: Under Rule 6 of the Bengal Legislative Council Procedure Rules, I nominate—

- (1) Mr. Kamini Kumar Dutta,
- (2) Begum Hamida Momin,
- (3) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, and
- (4) Mr. H. C. A. Hunter,

on the panel of Chairmen for the current session.

Committee on Petitions.

MR. PRESIDENT: Under Rule 84 of the Bengal Legislative Council Procedure Rules, a Committee on Petitions is to be appointed by the President at the commencement of the first session in each financial year. Under the old Council Rules, the Committee being a sessional one, has ceased to exist. I therefore nominate—

The Deputy President (Chairman, *Ex-officio*),

- (1) Mr. H. G. G. MacKay,
- (2) Rai Sahib Jatindra Mohan Sen,
- (3) Rai Surendra Narayan Sinha Bahadur, and
- (4) Khan Bahadur Ataur Rahman,

on the Committee on Petitions.

Library Committee.

MR. PRESIDENT: Under Rule 121 of the Bengal Legislative Council Procedure Rules, a Library Committee is to be appointed by the President at the commencement of the first session in each financial year. This being a new Committee under the present Council Rules, I nominate—

The President (Chairman, *Ex-officio*),

- (1) Mr. H. C. A. Hunter,
- (2) Dr. Radha Kumud Mookerji,
- (3) Khan Bahadur Naziruddin Ahmad,

- (4) Mr. Humayun Kabir,
- (5) Rai Keshab Chandra Banerji Bahadur,
- (6) Mr. Sachindra Narayan Sanyal, and
- (7) Khan Sahib Abdul Hamid Chowdhury,

on the Library Committee for the current financial year.

House Committee.

Mr. PRESIDENT: Under Rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (Chairman, *Ex-officio*),

- (1) Begum Hamida Momin,
- (2) Mr. W. B. G. Laidlaw,
- (3) Mr. Bankim Chandra Datta,
- (4) Mr. Saileswar Singh Roy,
- (5) Khan Bahadur Rezzaul Haider Chowdhury, and
- (6) Mr. Mesbahuddin Ahmed,

on the House Committee for the current session.

Committee of Privileges.

Mr. PRESIDENT: Under Rule 120 of the Bengal Legislative Council Procedure Rules, the Committee of Privileges which was appointed by the House at its meeting held on 2nd February, 1938, consisting of—

Mr. Hamidul Huq Chowdhury (Deputy President, Chairman),

- (1) The Hon'ble Sir Bijoy Prasad Singh Roy,
- (2) Dr. Radha Kumud Mookerji,
- (3) Mr. E. C. Ormond,
- (4) Khan Bahadur M. Abdul Karim,
- (5) Khan Bahadur Ataur Rahman,
- (6) Mr. Humayun Kabir,
- (7) Begum Hamida Momin,
- (8) Khan Sahib Abdul Hamid Chowdhury,
- (9) Mr. Kader Baksh,

- (10) Khan Bahadur M. Shamsuzzoha,
- (11) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,
- (12) Rai Keshab Chandra Banerji Bahadur, and
- (13) Mr. Ranajit Pal Chowdhury,

will continue till it is reconstituted at the commencement of the first session in the financial year, 1940-41.

Committee of Darga Khwaja Sahib, of Ajmer.

Mr. PRESIDENT: I am to inform the House that Khan Sahib Abdul Hamid Chowdhury has been elected to the Darga Khwaja Sahib Committee of Ajmer from the Muslim members of both the Houses. (Applause.)

The Governor's Assent to Bills passed by the Bengal Legislature.

Mr. PRESIDENT: I have now to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, namely,—

- (1) The Calcutta Municipal (Amendment) Bill, 1939.
- (2) The Bengal Tanks Improvement Bill, 1939.
- (3) The Calcutta and Suburban Police (Amendment) Bill, 1939.
- (4) The Bengal Tenancy (Second Amendment) Bill, 1939.
- (5) The Bengal Dentists Bill, 1939.

Ordinances promulgated by the Governor.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, under section 88(2)(a) of the Government of India Act, 1935, I beg to lay on the Table Bengal Ordinance No. 1 of 1939, viz., the Bengal Raw Jute Futures Ordinance, 1939.

Under the same rule, I also beg to lay on the Table Bengal Ordinance No. II of 1939, viz., the Bengal Hessian Cloth Futures Ordinance, 1939.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, under section 88(2)(a) of the Government of India Act, 1935, I beg to lay on the Table Bengal Ordinance No. III of 1939, viz., the Bengal Jute Regulation Ordinance, 1939.

Notices, etc., in connection with Government and Non-official Bills.

Bengal Water-Hyacinth (Amending) Bill, 1938.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to give notice that at the current Session of the Bengal Legislative Council, I shall move by way of amendment to the motion for consideration of the Bengal Water-Hyacinth (Amending) Bill, 1938, by Khan Bahadur Saiyed Muazzamuddin Hossain, M.L.C., that the Bill be referred to a Select Committee consisting of—

- (1) Khan Bahadur Saiyed Muazzamuddin Hossain,
- (2) Mr. E. C. Ormond,
- (3) Mr. Kamini Kumar Dutta,
- (4) Rai Bahadur Radhika Bhushan Roy,
- (5) Mr. Nur Ahmad,
- (6) Khan Bahadur Maulvi Ataur Rahman,
- (7) Khan Bahadur Maulvi Razzakul Haidar Chowdhury,
- (8) Mr. Mukhlesar Rahman,
- (9) Khan Bahadur Mohammad Ibrahim,
- (10) Mr. Khorshed Alam Choudhury, and
- (11) the mover,

with instruction to submit their report by the 1st May, 1940, and that the quorum of the Select Committee be fixed at five.

Inland Steam Vessels (Bengal Amendment) Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I introduce the Inland Steam Vessels (Bengal Amendment) Bill, 1939, and in the current Session of this Council, I propose to move that the Inland Steam Vessels (Bengal Amendment) Bill, 1939, be taken into consideration and that thereafter the Bill as settled by the Council be passed.

Bengal Patni Taluk Regulation (Amendment) Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Sir, with your permission, I beg to move that the dates on or before which the Select Committee on the Bengal Patni Taluk Regulation (Amendment) Bill, 1938, by Khan Bahadur Rezzaqul Haider Chowdhury has been instructed to present its report be extended from 31st October, 1939, to 15th December, 1939.

MR. PRESIDENT: The question before the House is that the time be extended for the Select Committee on the Bengal Patni Taluk Regulation (Amendment) Bill, 1938, by Khan Bahadur Razzaqul Haider Chowdhury to submit its report from 31st October till 15th December, 1939.

(The motion was agreed to.)

Bengal Workmen's Protection (Amendment) Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I introduce the Bengal Workmen's Protection (Amendment) Bill, 1939, and in the current Session of the Bengal Legislative Council, I beg to give notice that I shall move that the Bengal Workmen's (Amendment) Bill, 1939, be taken into consideration and thereafter that the Bill as settled by the Council be passed.

Emergency Rent Remission Bill, 1939.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have the honour to give notice that at the current Session of the Bengal Legislative Council, I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Emergency Rent Remission Bill, 1938, by Khan Bahadur Saiyed Muazzamuddin Hossain, M.L.C., that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1940.

The Bengal Non-agricultural Tenancy Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have the honour to give notice that at the current Session of the Bengal Legislative Council, I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Non-agricultural Tenancy Bill, 1937, by Khan Bahadur Saiyed Muazzamuddin Hossain, M.L.C., that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1940.

The Bengal Land Revenue Sales (Amendment) Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have the honour to give notice that at the current Session of the Bengal Legislative Council, I shall move by way of amendment to the motion for consideration of the Bengal Land Revenue Sales (Amendment) Bill, 1938, by Khan Bahadur Saiyed Muazzamuddin Hossain, M.L.C., that the Bill be referred to a Select Committee consisting of—

- (1) Khan Bahadur Abdul Karim,
- (2) Khan Sahib Abdul Hamid Chowdhuri,
- (3) Khan Bahadur Saiyed Muazzamuddin Hossain,

- (4) Khan Bahadur Naziruddin Ahmed.
- (5) Mr. Kader Bux.
- (6) Mr. E. C. Ormond.
- (7) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur.
- (8) Mr. Kamini Kumar Dutta.
- (9) Mr. Naresh Mukerjee.
- (10) Rai Bahadur Manmatha Nath Bose, and
- (11) myself.

with instruction to submit their report by the 31st January, 1940. The number of members whose presence shall be necessary to constitute a quorum shall be five.

Bill for the Bengal Municipal Act, 1932.

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Sir, I have the honour to give notice that I desire to move in the Session of the Bengal Legislative Council commencing from the 23rd November, 1939, the following amendment to Mr. Nur Ahmed, M.L.C.'s motion that his Bill for the amendment of the Bengal Municipal Act, 1932, be referred to a Select Committee, viz.—

that the Bill be re-circulated for the purpose of eliciting further opinion thereon by the 31st December, 1940.

Bill for the amendment of the Bengal Local Self-Government Act, 1885.

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Sir, I have the honour to give notice that I desire to move in the Session of the Bengal Legislative Council commencing on the 23rd November, 1939, the following amendment to Mr. Humayun Kabir, M.L.C.'s motion that his Bill for the amendment of the Bengal Local Self-Government Act, 1885, be referred to a Select Committee, viz.—

that the Bill be re-circulated for the purpose of eliciting further opinion thereon by the 31st December, 1940.

Bengal Money-lenders Bill, 1939.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur:

Sir, I beg to give notice that on the 27th November, 1939, I desire to move that the Bengal Money-lenders Bill, 1939, as passed by the Bengal Legislative Assembly be taken into consideration by the Council. I beg to request the Hon'ble President to permit me to move the motion at shorter notice under rule 77(1) of the Bengal Legislative Council Procedure Rules.

I also beg to give notice of certain amendments to the provisions of the Bengal Money-lenders Bill, 1939, which will be taken up for consideration in the present session of the Council. I beg to request that the Hon'ble President may permit me to move these amendments also at shorter notice.

Mr. PRESIDENT: I take it that there will be no objection to suspend Rule 77(1) requiring 10 days' notice so that the matter may be taken up on the 27th November next, that is, on Monday. The Hon'ble Minister has asked the permission of the President to suspend the rule under my discretionary power. Any honourable member who has objection may place his views before the Council.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:

Sir, this Bill is an important one and we have not got sufficient notice to send in amendments. I think that at least 15 days' time should be given.

Mr. PRESIDENT: I think that there is some misapprehension. At this stage there will be only two amendments: for reference to the Select Committee or for circulation. I think that the hon'ble members need not take more than 3 or 4 days to give notice in connection with such amendments.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:

Am I to understand that if the motion for reference to Select Committee or for circulation is not accepted, we could send in amendments at the same time?

Mr. PRESIDENT: If the circulation motion is not accepted, then the next motion will be for reference to Select Committee. If that is not accepted, then the motion for the consideration of the House will be whether the Bill should be taken into consideration. If that is passed, then there will be time given under section 79.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, in that case there will be no objection. Am I to understand clearly that no amendments need be given by way of amendment to the motion for reference to the Select Committee or for circulation?

MR. PRESIDENT: There will be no objection to anybody giving any notice of amendment but if the other motion is carried it will be futile to give notice. I will refer the honourable member to rule 80. So, at this stage the only amendment that should be given notice of is about the circulation or reference to the Select Committee, which will be considered with the main motion for consideration on Monday. I accept the suggestion of the Hon'ble Minister that his motion for consideration with any amendment be taken up on Monday. Honourable members will do well to give notice of amendments for reference to the Select Committee of the whole House or for circulation by Friday evening.

Rai Bahadur MANMATHA NATH BOSE: May I know, Sir, inasmuch as the Bill was referred to the Select Committee while before the Assembly, will it be right for us to refer the matter again to a Select Committee?

Mr. PRESIDENT: The honourable member will please read the new rules.

Presidency Small Cause Court (Amendment) Bill, 1938.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I have the honour to give notice that I desire to move the following amendment with regard to the Presidency Small Cause Court (Amendment) Bill, 1938, by Mr. Hamidul Haq Chowdhury.

Amendment.

That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1940.

Mr. PRESIDENT: Before I adjourn the House I would like to consult the leaders of parties whether 3-30 p.m. for to-morrow's meeting will suit them.

Mr. H. C. A. HUNTER: Yes, it will suit us.

Khan Bahadur M. ABDUL KARIM: Sir, my party would like to have a longer time for discussion of non-official business and has suggested to me to request you to fix 2-15 p.m. to-morrow for commencement of business. That is the opinion of my party.

Mr. HAMIDUL HUQ CHOWDHURY: The party has not been consulted.

Khan Bahadur M. ABDUL KARIM: But that is the decision of my party.

Mr. PRESIDENT: So far as time is concerned, the Chair will be agreeable to sit for any longer period. Even if we sit at 3-30, we can continue till 8 if the House so desire. What time will suit you, Mr. Dutta?

Mr. KAMINI KUMAR DUTTA: I think, Sir, that when there is some sort of desire on the part of the members of the House to have a little longer time, let the time be fixed at 3. This is winter and it will not be convenient to sit for a longer period at night.

Mr. PRESIDENT: Now there is a further suggestion of fixing the time at 3 to-morrow. Mr. Hunter, are you agreeable to this?

Mr. H. C. A. HUNTER: Yes, Sir.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: p.m. will suit us also.

Adjournment.

The Council then adjourned till 3-0 p.m. on Friday, the 24th November, 1939.

Members Absent:

The following members were absent from the meeting held on the 23rd of November, 1939:—

- (1) Mr. Nur Ahmed,
- (2) Rai Keshab Chandra Banerjee Bahadur,
- (3) Khan Bahadur Saiyed Muhammad Ghaziul Huq
- (4) Dr. Radha Kumud Mookerjee,
- (5) Khan Bahadur Kazi Abdur Rashid,
- (6) Mr. J. B. Ross,
- (7) Rai Saheb Jatindra Mohan Sen.

THE BENGAL LEGISLATIVE COUNCIL DEBATES.

The COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 24th November, 1939, at 3 p.m., being the second day of the Third Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Visit of Dr. Shyama Prosad Mukharji, M.L.A., to Comilla.

6. Mr. RANAJIT PAL CHOUDHURY (on behalf of Mr. Lalit Chandra Das): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that one Kala Meah of mahalla Bishnupur in town Comilla falsely gave out on the morning hours of 25th September by beat of drum that some Moslem students were killed during the visit of Dr. Syamaprasad Mukharjee, M.L.A., ex-Vice-Chancellor of the Calcutta University, to the Comilla College?

(b) If so, was he arrested and prosecuted?

(c) Did the said Kala Meah give out the name of any one at whose instance he so announced by beat of drum? If so, what is the name of that person and was any action taken against him? If not, why not?

(d) Is it a fact that Kala Meah, named above, is a League volunteer and the person at whose instance drum was beat was an office-bearer of the Moslem League Party in Comilla?

(e) Did not such action give rise to a threatened riot in Comilla between the Hindus and the Muslims? Is Government aware that the law-abiding people of both communities passed their days in fright of an imminent breach of peace? Will Government be pleased to state what action was taken against the wrong-doers and the aggressors?

MINISTER in charge of the HOME DEPARTMENT (The Hon'ble Khwaja Sir Nazimuddin): (a) No. Kala Meah gave out by beat of drum that some Muslim students had been disabled by the police in front of the local college.

(b) He was arrested under section 151 Criminal Procedure Code, but proceedings against him were dropped.

(c) He named one "Lil Meah" whose real name is Zahurul Huq. No action was taken against "Lil Meah" as he denied having instigated the announcement and although the police endeavoured to obtain corroboration, none was forthcoming.

(d) There is no information to show that Kala Meah is a volunteer of any League. "Lil Meah" is not an office-bearer of any affiliated branch of the Muslim League.

(e) No. It is not true that there was fear of an imminent breach of peace. Does not arise.

Promotions from the Junior Bengal Civil Service.

7. Khan Bahadur SAIED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Home Department kindly lay on the table a statement showing—

- (a) the number of promotions made from Junior Bengal Civil Service to Senior Service during each of the last 5 years;
- (b) how many of these promotions went to employees belonging to the Muslim community each year;
- (c) whether the percentage of promotions to Muslims was less than 45 per cent. in any year, and, if so, what was the reason; and
- (d) whether the character rolls of senior Muslim officers were examined to find out if there were any candidate deserving of promotion, though not nominated?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the reply to question No. 7.

	1934.*	1936.*	Remark
(a)	11	20	.....
(b)	1	5	.....
(c)	Yes ..	Yes ..	The reason is that the policy of Government in the years concerned as, as now that considerations of communal proportions are not taken into account in the case of promotions.
(d)	No ..	No ..	The practice was and is to consider for promotion only officers recommended by the Selection Committee or (under the present constitution) the Public Service Commission from amongst those nominated by officers under whom they are serving and who have personal knowledge of their suitability.

* Note.—There were no promotions in 1935, 1937 and 1938.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (d), will the Hon'ble Minister be pleased to state whether, if the whole history of the services is not examined and if it is confined only to nominations of the Public Service Commissioners, it is not likely to prejudice many officers who are not in touch with the Commissioners and also whether it is not likely that the Commissioners are influenced by personal likes and dislikes?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not possible to go through the whole list every time nominations are made. The usual form of nomination is through the heads of departments. District Magistrates send up the names of nominees and these are checked by the Commissioners themselves. It is not a question of one person alone; there are both the District Magistrate and the Commissioners.

Release of political prisoners.

8. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many convicted political prisoners are still in jails? What are their names and to what class or groups of cases do they belong?

(b) Is it a fact that Sj. Nani Gopal Das Gupta and others, 25 in all, were ordered to be released by the Government on the 26th September, 1939, on condition that they should state that they had abjured the cult of terrorism and should undertake further that they would have nothing to do with terrorism or acts of violence with a political motive?

(c) Is it a fact that the Government intend to pass similar orders in the case of some other political prisoners also?

(d) Is it a fact that the prisoners referred to in part (b) already gave their word of honour to Mahatma Gandhi that they abjured violence and would not in future resort to it nor have anything to do with it and would work on non-violent lines and that they said so also to the Advisory Committee? Is it not also a fact that the other remaining prisoners made similar statements?

(e) If the answer to part (d) is in the affirmative, does the Government propose to accept their undertaking to Mahatmaji as sufficient?

(f) Does the Government propose to release forthwith and without condition all the remaining political prisoners who are still in jail? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) A statement regarding the 87 Bengal terrorists is laid on the table.

(b) Yes. The hon'ble member is referred to the Press note, dated the 3rd October, 1939, a copy of which is laid on the table.

(c) The hon'ble member is referred to the Press notes, dated the 14th, 16th, 17th and 18th October, 1939, copies of which are laid on the table. The case of one prisoner is still under the consideration of Government.

(d) Government are not aware of the details of the conversations between Mr. Gandhi and these prisoners or of the terms of individual assurances, if any, given by them to him. Eleven of the prisoners referred to in part (b) told the Advisory Committee that they no longer believed in violence and 26 others still in jail interviewed by the Committee made similar statements.

(e) Does not arise.

(f) No. Government's policy in this matter is explained in the resolution, dated the 13th November, 1939, a copy of which is laid on the table.

Statements referred to in the reply to clause (a) of question No. 8.

TERRORIST PRISONERS.

- (1) Ambica Charan Chakravarty—Chittagong Armoury Raid Case.
Was also convicted in the Inter-Provincial Conspiracy case.
- (2) Ananda Prosad Gupta—Chittagong Armoury Raid Case.
- (3) Ananta Lal Singh—Chittagong Armoury Raid Case.
- (4) Ganesh Ghosh—Chittagong Armoury Raid Case.
- (5) Lal Mohan Sen—Chittagong Armoury Raid Case.
- (6) Loke Nath Baul—Chittagong Armoury Raid Case.
- (7) Sahairam Das—Chittagong Armoury Raid Case.
- (8) Subodh Kumar Chaudhury—Chittagong Armoury Raid Case.
- (9) Sukhendu Bikas Dastidar—Chittagong Armoury Raid Case.
- (10) Sunil Kumar Chatterjee—Sir Alfred Watson Shooting case.
- (11) Promode Ranjan Bose—Sir Alfred Watson Shooting case.
- (12) Suresh Chandra Das—Armenian Street Dacoity case.
- (13) Narendra Prosad Ghosh—Inter-Provincial Conspiracy Case.
- (14) Amulya Chandra Sen Gupta—Inter-Provincial Conspiracy Case.
- (15) Prabhat Kumar Mitra—Inter-Provincial Conspiracy Case.
- (16) Paresh Chandra Guha—Inter-Provincial Conspiracy Case.
- (17) Satyendra Narayan Mazumdar—Inter-Provincial Conspiracy Case.
- (18) Surendra Dhar Choudhury—Inter-Provincial Conspiracy Case.
- (19) Deba Prosad Sen Gupta—Inter-Provincial Conspiracy Case.
Was also convicted in Tittagarh Conspiracy case.

- (20) Jyotish Chandra Mazumdar—Inter-Provincial Conspiracy Case.
- (21) Prabhat Chandra Chakravarty—Inter-Provincial Conspiracy Case.
- (22) Jatindra Nath Chakravarty—Inter-Provincial Conspiracy Case.
- (23) Purnananda Das Gupta—Inter-Provincial Conspiracy Case.
Was also convicted in Tittagarh Conspiracy Case.
- (24) Bimal Bhattacharji—Inter-Provincial Conspiracy Case.
- (25) Sitanath De—Inter-Provincial Conspiracy Case.
- (26) Dwijendra Nath Talapatra—Inter-Provincial Conspiracy Case.
- (27) Jitendra Nath Gupta—Inter-Provincial Conspiracy Case.
- (28) Haripada Dey—Inter-Provincial Conspiracy Case.
- (29) Shyam Benode Pal—Tittagarh Conspiracy case.
- (30) Niranjan Ghoshal—Tittagarh Conspiracy case.
- (31) Jiban Krishna Dhupi—Tittagarh Conspiracy case.
- (32) Prafulla Kumar Sen—Tittagarh Conspiracy case.
- (33) Santi Ranjan Sen—Tittagarh Conspiracy case.
- (34) Hrishikesh Bhattacharyya—Hili Dacoity case.
- (35) Prankrishna Chakravarty—Hili Dacoity case.
- (36) Prafulla Narayan Sanyal—Hili Dacoity case.
- (37) Saroj Kumar Bose—Hili Dacoity case.
- (38) Satyabrata Chakravarty—Hili Dacoity case.
- (39) Kalipada Chakravarty—Police Inspector (Tarini Charan Mukharji) Murder case.
- (40) Amulya Kumar Roy—Murder of a suspected police informer.
- (41) Benoy Bhusan Dey Roy—Grassby Shooting case.
- (42) Biraj Mohan Deb—Malia Shooting case and Itakhola (in Assam) Mail Dacoity case.
- (43) Haripada Bhattacharyya—Khan Bahadur Ahsanulla (Inspector of Police, Chittagong) Murder case.
- (44) Jagadananda Mukharji—Cornwallis Street (Police Officer) Shooting case.
- (45) Nalini Mohan Das—Cornwallis Street (Police Officer) Shooting case.
- (46) Amulya Acharyya—Attempted to murder a suspected police spy.
- (47) Amulya Bhusan Chaudhuri—Ghangore U. B. clerk murder case.
- (48) Ashutosh Bharadwaj—Ghangore U. B. clerk murder case.

- (49) Sudhir Kumar Chakravarty—Makuhati (Dacca) Dacoity case.
- (50) Bimal Kumar Das Gupta—Villiers Shooting case.
- (51) Harihar Datta—Bathua Dacoity case.
- (52) Monmohan Saha—Bathua Dacoity case.
- (53) Mokshada Ranjan Chakravarty—Bathua Dacoity case.
- (54) Priyada Ranjan Chakravarty—Bathua Dacoity case.
- (55) Pran Gopal Mukharji—Birbhum Conspiracy case.
- (56) Rajat Bhusan Datta—Birbhum Conspiracy case.
- (57) Sibapriya Bose—Dacca town Robbery case.
- (58) Gour Chandra Saha Das—Dacca town Robbery case.
- (59) Sambhu Nath Sutradhar—Dacca town Robbery case.
- (60) Sachindra Lal Kar Gupta—Mechuabazar Conspiracy and Arms Act case.
- (61) Madhu Sudan Banerjee—Lebong Race Course Outrage (Governor Shooting) case.
- (62) Monoranjan Banerji—Lebong Race Course Outrage (Governor Shooting) case.
- (63) Sukumar Ghosh *alias* Lonta—Lebong Race Course Outrage (Governor Shooting) case.
- (64) Radhaballav Gope—Arms Act and Explosive Substances Act cases.
- (65) Himanshu Bhowmick *alias* Raja—Feni Police Search Party Shooting case.
- (66) Jageswar Das—Angaria (Faridpur) Mail Robbery case.
- (67) Manindra Lal Dutta—Arms Act case.
- (68) Kali Kinkar De—Arms Act case.
- (69) Nani Gopal Das Gupta—Singha (Bakarganj) Dacoity (with murder) case.
- (70) Sarat Chandra Dhupi—Kunhati (Mymensingh) Dacoity (with murder) case.
- (71) Kumud Behari Mukherjee—Kurigram Train Robbery case.
- (72) Dinesh Chandra Das—Kakna and Tilni (Dinajpur) Dacoity cases.
- (73) Narendra Chandra Ghosh—Kakna and Tilni (Dinajpur) Dacoity cases.
- (74) Kamakhya Charan Ghose—Burge Murder case.
- (75) Sukumar Sen Gupta—Burge Murder case.
- (76) Santi Gopal Sen—Burge Murder case.
- (77) Hem Chandra Bakshi—Naidanga Dacoity case.

- (78) Ramesh Chandra Chatterjee—Police Sub-Inspector (Jyotish Roy) Murder case.
 (79) Purnendu Sekhār Guha—Arms Act, Cycle Stealing and Warden Assault cases.
 (80) Tejendra Lal Sen—Arms Act case.
 (81) Surendra Mohan Kar Roy—Charmaguria Mail Robbery case.

CIVIL DISOBEDIENCE PRISONERS.

- (82) Benode Behari Bera—Daspur Murder case.
 (83) Surendra Nath Bag—Daspur Murder case.
 (84) Bhutnath Manna—Daspur Murder case.
 (85) Karan Behari Goswami—Daspur Murder case.
 (86) Sital Bhattacharya—Daspur Murder case.
 (87) Jogendra Nath Hazra—Daspur Murder case.

PRESS NOTE, DATED THE 3RD OCTOBER, 1939.

Orders were issued on the 26th September, 1939, for the release of the following terrorist prisoners on condition that they stated on their word of honour that they had abandoned terrorism and undertook that they would not in future resort to terrorism or acts of violence with a political motive, and that they would not join, remain members of, or support any party or organisation which employs or instigates terrorism and acts of violence for political ends. The condition will remain in force for varying periods but in no case does the period exceed five years:—

- (1) Nani Gopal Das Gupta.
- (2) Pramode Ranjan Bose.
- (3) Sarat Chandra Dhupi.
- (4) Bimal Chandra Bhattacharya.
- (5) Jatindra Nath Chakrabarti.
- (6) Paresur Chandra Guha.
- (7) Jiban Krishna Dhupi.
- (8) Tejendra Lal Sen.
- (9) Prafulla Narayan Sanyal.
- (10) Saraj Kumar Bose.
- (11) Surendra Dhar Chaudhury.
- (12) Dwijendra Nath Talapatra.
- (13) Surendra Mohan Kar Roy.
- (14) Kali Kinkar De.
- (15) Kamud Behari Mukherji.

- (16) Dinesh Chandra Das.
- (17) Jyotish Chandra Mazumdar.
- (18) Ramesh Chandra Chatterjee.
- (19) Priyada Ranjan Chakrabarti.
- (20) Rajat, Bhusan Datta.
- (21) Kamakshya Charan Ghose.
- (22) Sukumar Sen Gupta.
- (23) Santi Gopal Sen.
- (24) Hem Chandra Bakshi.
- (25) Purnendu Sekhar Guha.

Government have been informed that all these prisoners have refused to accept the condition stated above. It has, therefore, not been possible to give effect to the release orders.

Orders for the release, on condition, of another batch of prisoners are now under preparation and will be issued very shortly.

Government regret that owing to the outbreak of war they have not yet been able to conclude their examination of the remaining cases. They hope, however, to be able to pass final orders in all cases before the Puja Holidays.

PRESS NOTE, DATED THE 14TH OCTOBER, 1939.

Having considered the individual cases of the undermentioned terrorist convicts together with the recommendations of the Advisory Committee, the Government of Bengal have ordered them to be released:—

- (1) Saradindu Bhattacharya.
- (2) Susil Kumar Dey.
- (3) Dharendra Nath Bhattacharya.
- (4) Manindra Lal Dutta.
- (5) Santi Ranjan Sen.
- (6) Haripada Dey.
- (7) Surendra Nath Sarkhel.

Government are informed that of the last four prisoners who were required to state that they had abandoned terrorism and would not in future resort to terrorism or acts of violence with a political motive, three have refused to give the required undertaking. It has, therefore, not been possible to give effect to the release orders in their cases. The remaining four prisoners have been released.

PRESS NOTE, DATED THE 16TH OCTOBER, 1939.

Having considered the individual cases of the undermentioned terrorist convicts, together with the recommendations of the Advisory Committee, the Government of Bengal have decided that their release at this stage cannot be justified. They have, however, ordered that they should be granted special remission to the extent stated in column 3 below:—

Names.	Aggregate sentences.	Remission.
1. Madhu Sudan Banerjee.	Rigorous imprisonment for 14 years under sections 120B/302, Indian Penal Code.	4 years.
2. Sukumar Ghosh <i>alias</i> Lonta.	Rigorous imprisonment for 14 years under sections 120B/302, Indian Penal Code.	Ditto.
3. Radhaballav Gope ..	Rigorous imprisonment for 14 years under sections 19(f) and 20 of the Arms Act and 4 and 5 of the Explosive Substances Act.	Ditto.
4. Prafulla Kumar Sen	Rigorous imprisonment for 15 years under sections 121A, Indian Penal Code, and 6(3) of the Bengal Criminal Law Amendment Act.	3 years.
5. Himanshu Bhowmick <i>alias</i> Raja.	Transportation for life (rigorous imprisonment for 20 years) under sections 307, Indian Penal Code, 19(e) and (f) and 20A of the Arms Act and 6(3) of the Bengal Criminal Law Amendment Act.	To be released on expiry of 10 years of his sentence.
6. Jageswar Das ..	Transportation for life (rigorous imprisonment for 20 years) under sections 394 and 326, Indian Penal Code and 19(f) of the Arms Act.	Ditto.
7. Niranjan Ghosal ..	Rigorous imprisonment for 14½ years under sections 121A and 353/14, Indian Penal Code.	7 years.

PRESS NOTE, DATED THE 17TH OCTOBER, 1939.

The Government of Bengal have considered the individual cases of the following 34 terrorist and 6 civil disobedience prisoners together with the recommendations of the Advisory Committee, and have decided that no clemency can be shown to them. The expediency of releasing prematurely such of these prisoners as have sentences of more than 14 years will be considered under the 14 years' rule in the normal course:—

Name.	Sentences.	Brief particulars of offences.
1. Ananda Prosad Gupta.	Transportation for life under sections 120B/302/395/396 and 436, Indian Penal Code, 126 Indian Railway Act, 25, Indian Telegraph Act, 19(f), Arms Act, and 4(b) Explosive Substances Act.	Collection of arms, ammunition, bombs and explosives; commission of murder, dacoity and arson; destruction of telegraphic, telephonic and Railway communications and attacks on the Volunteer Force and Police Armouries. The prisoner was responsible for the murder of 12 persons and the wounding of six.
2. Ananta Lal Singh	Ditto	Ditto.
3. Ganesh Ghosh	Ditto	Ditto.
4. Lal Mohan Sen	Ditto	Ditto.
5. Loke Nath Baul	Ditto	Ditto.
6. Sahairam Das	Ditto	Ditto.
7. Subodh Kumar Chaudhury.	Ditto	Ditto.
8. Sukhendu Bikas Dastidar.	Ditto	Ditto.
9. Manoranjan Banerjee alias Naresh Chaudhury.	Transportation for life under sections 109/307, Indian Penal Code, and 120B/302, Indian Penal Code, and 19 of the Arms Act.	Took an active part in the conspiracy to murder His Excellency the Governor at Lebong in 1934, and procured the arms and ammunition used by the prospective assassins.

Name.	Sentences.	Brief particulars of offences.
10. Sunil Kumar Chatterjee.	Transportation for life under sections 120B/302 and 212, Indian Penal Code, and 109/307, Indian Penal Code.	Organised the two attempts on the life of Sir Alfred Watson in 1932.
11. Suresh Chandra Das.	Transportation for life under sections 394, 302/34 and 324, Indian Penal Code.	The prisoner and 3 others armed with revolvers and daggers entered the <i>gadi</i> of a merchant in Armenian Street and robbed him of Rs. 2,346-2; on being pursued they shot and killed a <i>darwan</i> and later stabbed a constable.
12. Narendra Prosad Ghosh.	Rigorous imprisonment for 16 years under sections 121A and 120B/395, Indian Penal Code.	Conspired to bring about an armed rising and wage war against the King; took part in the Chhowali Charpara Dacoity in Mymensingh in which the participants carried revolvers and pistols and posed as police officers.
13. Prabhat Kumar Mitra.	Rigorous imprisonment for 7 years under section 121A, Indian Penal Code.	Conspired to bring about an armed rising and wage war against the King.
14. Satyendra Narain Mazumdar.	Ditto.	Ditto.
15. Deba Prosad Sen Gupta.	Rigorous imprisonment for 8 years under section 121A, Indian Penal Code.	Ditto.
16. Prabhat Chandra Chakrabarty.	Transportation for life under section 121A, Indian Penal Code, and rigorous imprisonment for 5 years under sections 19A and 19(f) of the Arms Act.	Conspired to bring about an armed rising and wage war against the King. (One of the leaders in the conspiracy.)

Name.	Sentences.	Brief particulars of offences.
17. Purnananda Das Gupta.	Rigorous imprisonment for 14 years under section 121A, Indian Penal Code (Inter-Provincial Conspiracy case), rigorous imprisonment for 18 months under sections 353/114, Indian Penal Code, and transportation for life under section 121A, Indian Penal Code. (Tittagarh Conspiracy case.)	Conspired to bring about an armed rising and wage war against the King. (While under trial in the Inter-Provincial Conspiracy case escaped from Jail and took a leading part in the Tittagarh Conspiracy.)
18. Shyam Benode Pal Chaudhury.	Rigorous imprisonment for 10 years under section 121A, Indian Penal Code.	Conspired to bring about an armed rising and wage war against the King. (Had arms and explosives in his possession when arrested.)
19. Sitanath De <i>alias</i> Brahmachari.	Transportation for life under section 121A, Indian Penal Code.	Conspired to bring about an armed rising and wage war against the King. (Escaped from jail while under trial but was re-arrested and convicted.)
20. Jitendra Nath Gupta.	Ditto	Conspired to bring about an armed rising and wage war against the King. (One of the leaders in the conspiracy.)
21. Hrishikesh Bhat-tacharya.	Transportation for life under sections 395 and 120B/396, Indian Penal Code.	Took part in the Hili armed mail dacoity case in the course of which telephones and telegraphs were dislocated and the prisoners resorted to indiscriminate firing killing a mail peon and injuring several others.

Name.	Sentences.	Brief particulars of offences.
22. Prankrishna Chakrabarty.	Rigorous imprisonment for 7 years, under section 120B, Indian Penal Code, and sections 19(f) and 20 of the Arms Act and transportation for life under sections 395 and 120B/396, Indian Penal Code.	Took part in the Hiji armed mail dacoity case in the course of which telephones and telegraphs were dislocated and the prisoners resorted to indiscriminate firing, killing a mail peon and injuring several others. (Was sentenced to 7 years' rigorous imprisonment on the 2nd December, 1932, for being in possession of a loaded pistol, and a six-chambered revolver and some cartridges.)
23. Kalipada Chakravarty.	Transportation for life under sections 302, Indian Penal Code, and 19(f) of the Arms Act.	Murdered Inspector Tarini Charam Mukherjee at Chandpur Railway Station during an attempt on the life of the Inspector-General of Police.
24. Anurag Kumar Roy.	Transportation for life under sections 302/34, Indian Penal Code.	Murdered an associate suspected of being a police spy by stabbing him in the back.
25. Benoy Bhusan Dey Roy.	Transportation for life under sections 307, Indian Penal Code and 19(f) of the Arms Act.	Fired at and wounded Mr. C. G. Grassby, the then Additional Superintendent of Police at Dacca.
26. Biraj Mohan Deb	Transportation for life under sections 307, 120B/302, Indian Penal Code, and transportation for life under section 396, Indian Penal Code.	Shot at and seriously wounded Abdul Khaliq alias Mali of Kalikatcha suspecting him to be a police spy. Took part in the Armed Mail Dacoity at Itakfola (Sylhet) on 13th March, 1933. Shot at and killed one villager and wounded two others.
27. Haripada Bhattacharya.	Transportation for life under sections 302, Indian Penal Code, and 19(f) of the Arms Act.	Shot and killed Police Inspector, Khan Bahadur Ahsanulla on the Nizam Paltan football ground at Chittagong.

Name.	Sentences.	Brief particulars of offences.
28. Jagadananda Mukherjee.	Transportation for life under sections 307 and 34, Indian Penal Code, read with section 6(1) of the Bengal Criminal Law Amendment Act.	Fired at the police and wounded a police officer when his house in Cornwallis Street was raided.
29. Nalini Mohan Das	Ditto	Fired at the police during the above raid and narrowly missed a police officer.
30. Amulya Acharya	Rigorous imprisonment for 10 years under sections 307, 326/34, Indian Penal Code.	Attempted to murder an associate who was suspected of being a police spy.
31. Amulya Bhusan Chaudhuri.	Transportation for life under sections 302/34, Indian Penal Code.	Attacked and fatally stabbed a union board clerk who was suspected to be a police spy.
32. Ashutosh Bhadraraj.	Ditto	Ditto.
33. Sudhir Kumar Chakrabarty.	Rigorous imprisonment for 5 years under section 395, Indian Penal Code.	Took part in an armed dacoity at Mekuhati (Dacca) in the course of which the inmates of the house were assaulted and ornaments were snatched away from the women-folk. In all a sum of Rs. 1,888 was stolen.
34. Bimal Kumar Das Gupta.	Rigorous imprisonment for 10 years under section 307, Indian Penal Code.	Fired at and wounded Mr. Villiers in an attempt to murder him.
35. Benode Behari Bera.	Transportation for life under sections 302/34, Indian Penal Code.	This person is a civil disobedience prisoner. He took part in the murder of Bholanath Ghosh, a sub-inspector of police, during the salt making campaign at Chechua hat in Midnapore in 1930. The sub-inspector was beaten to death and his body was thrown into the river.

Name.	Sentences.	Brief particulars of offences.
35. Benode Behari Bera— <i>concl'd.</i>	Transportation for life under sections 302/34, Indian Penal Code.— <i>concl'd.</i>	Kangshabati. Another sub-inspector of police (Aniruddha Samanta) was at the same time dragged to a village about 2 miles away and was never heard of again. A dead body was, however, found in a tank in that village on the next day, but as it had been eaten by dogs and vultures it could not be identified.
36. Surendra Nath Bag.	Ditto	Ditto.
37. Bhutnath Manna	Ditto	Ditto.
38. Kanan Behari Goswami.	Ditto	Ditto.
39. Sital Bhatta-charya.	Ditto	Ditto.
40. Jogendra Nath Hazra.	Ditto	Ditto.

Government have now completed their examination of all the cases of terrorist and civil disobedience prisoners which were placed before the Advisory Committee. 149 prisoners have been released unconditionally, 43 have been released or offered their release on conditions, 7 have been granted substantial remission, and in 40 cases clemency has been refused. These figures compare very favourably with the recommendations of the Advisory Committee which were that 146 prisoners should be released unconditionally, and 33 conditionally, that remission should be granted in 15 cases and that clemency should be refused in 45 cases. A further communiqué dealing with the work of the Advisory Committee will issue in the near future.

PRESS NOTE, DATED THE 18TH OCTOBER, 1939.

After considering the individual cases of the following terrorist prisoners and the recommendations of the Advisory Committee, the Government of Bengal issued orders on the 7th October for their release on condition that they stated on their word of honour that they had abandoned terrorism and undertook that they would not in future resort to terrorism or acts of violence with a political motive, and that they

would not join, remain a member of or support any party or organisation which employs or instigates terrorism and acts of violence for political ends:—

- (1) Harihar Dutta.
- (2) Monmohan Saha.
- (3) Amullya Charan Sen Gupta.
- (4) Pran Gopal Mukherjee.
- (5) Sibapriya Bose.
- (6) Sambhu Sutradhar.
- (7) Gour Chandra Saha Das.
- (8) Sachindra Lal Kar Gupta.

Government are informed that all these prisoners have refused to accept the condition. It has, therefore, not been possible to give effect to the release orders.

PRESS NOTE, DATED THE 18TH OCTOBER, 1939.

After considering the individual cases of the undermentioned terrorist prisoners together with the recommendations of the Advisory Committee, the Government of Bengal issued orders on the 7th October that they should be released on conditions. As the prisoners have refused to accept the conditions, the release orders have been held in abeyance:—

- (1) Mokshada Chakrabarty.
- (2) Satyabrata Chakrabarty.
- (3) Narendra Chandra Ghose.

PRESS NOTE, DATED THE 14TH NOVEMBER, 1939.

The following resolution, dated the 13th November, 1939, of the Government of Bengal is issued for publication:—

When the present Ministry assumed office there were undergoing sentences of imprisonment 457 persons who had been convicted by courts in Bengal of specific crimes committed in this province in furtherance of the terrorist movement. Of these there are now in custody only 87.

2. Even before the issue of the Press Communique of 22nd November, 1937, in which Government's intention to release certain classes of convicts was announced, Government had already prematurely released 54 terrorist prisoners on compassionate grounds and another 13 with a view to relieving congestion in the jails.

3. A further announcement of Government's policy was made in the Bengal Legislative Council on the 22nd February, 1938, in accordance with which a communique was issued by Government on the 25th September, 1938. In this communique Government made it clear that they could not contemplate any general or indiscriminate remission of sentences, but stated that after prolonged and anxious thought they had decided to exercise a reasoned clemency based on a careful scrutiny of individual cases. They accordingly announced their intention: (1) to release forthwith terrorist convicts suffering from serious and continued illness; (2) to release as soon as possible those convicts who had not been convicted of offences involving the actual commission of murder and serious violence and who had still to serve a comparatively short period of their sentences, not in excess of 18 months; and (3) to place the cases of the remaining convicts before an Advisory Committee which would examine them on the individual merits and make such recommendations as they thought fit, the final decision in each case to rest with Government. At no time did Government give any undertaking that all releases would be unconditional or that clemency would be shown in all cases and it is sufficiently clear from their communiques of the 25th September, 1938, and the 7th July, 1939, that this was never their intention.

4. Government began to give effect to the decisions announced in their communique of the 25th September, 1938, on 29th September, 1938, and by the 17th February, 1939, they had released, in accordance with decisions (1) and (2), 57 terrorist prisoners of whom 55 were set at liberty unconditionally.

5. The Advisory Committee contemplated in decision (3) was appointed by a Resolution No. 4624H.J., dated the 15th December, 1938, to examine the remaining cases. The Committee consisted of (1) Rai Surendra Nath Guha Bahadur, formerly a Judge of the High Court, Calcutta, President, and (2) Khan Bahadur A. M. L. Rahman, M.L.A., (3) Mr. Sarat Chandra Bose, M.L.A., (4) Mr. Birat Chandra Mandal, M.L.A., (5) Maharajkumar Jday Chand Mahtab, M.L.A., (6) Mr. Lalit Chandra Das, M.L.C., (7) Mr. Curtis Miller, M.L.A., (8) Maulvi Syed Abdul Majid, M.L.A., and (9) Mr. J. R. Blair, C.I.E., I.C.S., Member.

6. The Advisory Committee assembled on the 4th January, 1939, and continued their work uninterrupted until the 14th May, 1939. On this date Mr. Sarat Chandra Bose, M.L.A., and Mr. Lalit Chandra Das, M.L.C. (representing the Congress Party), resigned, as they were unable to persuade the other members of the Committee to agree to the immediate and unconditional release of every prisoner whose case was placed before them. The Congress Party were invited to nominate other representatives in their place but declined to do so and the Committee thereupon resumed their labours. By

the 7th July, 1939, 146 prisoners had been released unconditionally in accordance with their recommendation. On that date certain terrorist prisoners went on hunger-strike in an attempt to secure the "immediate and unconditional release of all political prisoners and the restoration of civil liberties". This constituted an open threat to Government and was calculated to produce an atmosphere favourable to the recrudescence of violence and terrorism. Government accordingly suspended further consideration of the cases pending before them and directed the Committee to do likewise until the atmosphere had been restored to normal. The hunger-strike ended unconditionally on the 3rd August, 1939, and Government and the Committee then again resumed their examination of the remaining cases. The Committee concluded their labours on the 17th August, and Government announced the last of the decisions taken by them on the recommendations submitted by the Advisory Committee in a communique, dated the 17th October, 1939.

7. In examining the cases of the prisoners referred to them, the Committee have reported that whilst they followed the policy enunciated by Government, particularly in the communique, dated the 25th September, 1938, they were also guided by certain additional considerations. There were: the seriousness of the crime committed; the degree of violence used; the age of the prisoner; the extent to which he could be said to have been a tool in the hands of more mature and unscrupulous minds and for any reason not in a position to judge the full significance of his acts; whether there was at any stage any indication of regret; and whether the sentence passed in any case was "abnormal" or was particularly severe because intended as a deterrent in the circumstances, existing when it was awarded. The Committee gave their earnest attention to what proportion of the sentence passed could be remitted by way of mitigation "without too much violence to the ordinary conception of punishments proportionate to the crime committed". They also considered whether any particular case called for any assurance from the prisoner as to his future conduct or the imposition of condition by Government. The state of health of prisoners and their conduct in prison were also considered. The Committee have reported that their recommendations are based "on some or other or all of the above considerations in their different aspects as to the circumstances required".

8. Of the 457 terrorist prisoners in jail when the Ministry took office, there had already been prematurely released before the Advisory Committee began its work 124, as indicated in paragraphs 2 and 4 above, of whom 112 had been liberated unconditionally. A further 84 whose terms of imprisonment had meantime expired had also already been set at liberty. The number of cases placed before the Advisory Committee was consequently 249. Of these, however, ten prisoners were released in the normal course before their cases had been finally

disposed of. The recommendations of the Advisory Committee in the remaining 239 cases and Government's decisions upon them are summarised below:—

	Recommendations of the Advisory Committee.	Decisions of Government.
Unconditional release ..	146	149
Conditional release ..	33	43
Grant of remission ..	15	7
No clemency ..	45	40

9. Including prisoners prematurely released before the appointment of the Advisory Committee, the total number of convicts released or offered release before the expiry of their sentences is 316 of whom 261 or more than 70 per cent. were released unconditionally. Of the remaining 55 prisoners 15 have accepted conditions and been set at liberty. This number includes 12 released before the Advisory Committee was appointed. The remaining 40 prisoners are still in jail; Government are not prepared to dispense with the conditions in their cases, but are issuing orders that they may be released at any time on accepting the conditions prescribed by Government. Clemency was refused altogether in only 40 cases or less than 9 per cent. of the total number of prisoners involved. Only in 23 cases did Government find it necessary to deviate from the recommendations of the Advisory Committee and in 19 of these cases the deviation was in favour of the prisoners.

10. The members of the Committee visited the Alipore Central Jail and the Presidency Jail and interviewed a very large number of prisoners. In all they held 26 meetings, and they reported on each case individually. Government have been impressed by the meticulous care and attention to detail with which the Committee performed their task. They are greatly indebted to Rai Surendra Nath Guha Bahadur, President and to the members of the Committee for their assistance and are glad to take this opportunity of placing on record their appreciation of the valuable services rendered by them. Government have also noted with satisfaction the acknowledgment by the Committee of the services of Rai Sahib Bhabesh Chandra Ray, who acted as Secretary to the Committee and of Babu Dharendra Nath Gupta, Head Assistant of the Home Department.

Mr. LALIT CHANDA DAS: With reference to answer (d) in which it is stated that eleven of the prisoners referred to in part (b) told the Advisory Committee that they no longer believed in violence, will the Hon'ble Minister be pleased to state if there is any difficulty in the way of the Government in releasing them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that the policy of release is based on what has been announced from time to time in the Legislative Assembly and the Council and in the resolution that has been published and I have nothing further to add.

Mr. LALIT CHANDRA DAS: In view of the fact that these eleven prisoners actually abjured violence, is Government prepared to modify that policy?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government have never accepted the proposition that merely abjuring of violence entitles a prisoner to release.

Industrial Development in Bengal.

9. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

- (a) if his attention has been drawn to the fact that the War in Europe has brought into prominent relief this country's industrial helplessness and backwardness;
- (b) if the Government of Bengal intends to take any initiative in the matter of industrial development during the present crisis;
- (c) if the Government intends to frame a development scheme for important industries in the immediate future;
- (d) if the Government intends to appoint a Committee representing the Government, the industrialists, and the Science Departments of the University of Calcutta for the purpose of framing a scheme for the development of important industries;
- (e) if the Government intends to launch a campaign for industrialisation of Bengal and, if so, what steps does the Government intend to adopt in this direction;
- (f) if the attention of the Government has been directed to the recommendations of the Indian Industrial Commission for Industrial development and also to the investigations carried on by the Bengal Industrial Survey Committee;
- (g) if the Government has devised ways and means for harnessing the results of those researches to the needs of the industry; and
- (h) if the Government has framed any scheme for the industrialisation of Bengal at this opportune time?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Nawab Khawaja Habibullah Bahadur of Dacca): (a) I am fully conscious of the present condition of the industries of the province and also that the war in Europe has accentuated the need for improvement of the same.

• • (b) to (h) Government have already taken the initiative in the matter of industrial development and have set up the Bengal Industrial Survey Committee composed of eminent men in commercial and industrial circles to investigate that problem and make recommendations. The terms of reference to that Committee include a direction to advise on the measures which Government can undertake to promote and develop large-scale and medium-sized industries and in particular to draw up a plan for the establishment and development of industries of national or economic importance including "Key" industries. The Committee which was set up in November, 1938, is still continuing its investigations and has already submitted two *interim* reports, namely, one regarding a scheme for marketing of cottage industry products and the second regarding electrical development in Bengal. These reports are now under consideration in the Agriculture and Industries and Commerce and Labour Departments respectively. Every endeavour will now be made to expedite the report of the Committee on the particular matter raised in this question so that Government may consider what steps may appropriately be taken by them during the present emergency. There appears to be no need to set up any other Committee as has been suggested in the question. The existing Industrial Survey Committee is thoroughly competent to deal with this matter and is at liberty to co-opt such scientific advisers as may be necessary. Government will lose no time in considering the Committee's report and taking such action as may be feasible and expedient for the development of important industries particularly those for whose establishment or development the present emergency conditions are specially suitable.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether the two interim reports have been published?

The Hon'ble Mr. NALINI RANJAN SARKER: No, that is still under Government's consideration.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please state if Government will publish these reports?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, it will after it has been considered by Government.

Khar Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please state when the final report is expected?

The Hon'ble Mr. NALINI RANJAN SARKER: I think in the beginning of the next year but there has been some difficulty because the Chairman of the Committee has been called away by the Government of India, and we have not yet been able to find out a new Chairman.

Bridge over Sarta Khal of Chittagong.

10. Khan Sahib AMDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if he is aware that want of a suitable bridge over Sarta *Khal* in the Faticksary thana of Chittagong has been causing immense suffering to thousands of people who daily cross this important *khal*?

(b) Is it a fact that plan and estimate were long before prepared for the construction of an iron bridge over this Sarta *Khal*?

(c) Is it a fact that the said estimate and plan were approved by the Government?

(d) If so, what is the cause of the delay in taking up the work of this bridge?

(e) Will the Hon'ble Minister be pleased to state whether and when the work of this bridge is expected to be taken up? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischahdra Nandy, of Cossimbazar): (a) Government has received requests for the construction of a bridge.

(b) and (c) An estimate was prepared but as the proposed bridge is on the Chittagong-Hathazari Road which is intended to form part of the main road system of the Province, it is desirable that the bridge should conform with the minimum specifications laid down for Road Fund Works. The estimate as prepared did not comply with such specifications and the Commissioner of the Division has been requested to ask the District Board for a fresh one.

(d) and (e) The revised estimate has not yet been received. When it has been approved, the question of financing the project will be considered.

Darwaka Bridge.

11. Khan Bahadur ATAJUR RAHMAN: (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the extra work on the two ends of the Darwaka Bridge at Rai-grām has been washed away?

(b) Will the Hon'ble Minister be pleased to state if the present span of the bridge is sufficient to allow the flood water to pass?

(c) Does Government propose to repair this bridge entirely, the span of the bridge, and by making it flood-proof?

The Hon'ble Sir BIJOY PRASAD SINCH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) Yes, the new earthwork added between the bridge and the approaches at either end was washed away.

(b) A proposal to add a short span at either end is under consideration.

(c) The bridge itself does not require repair; the approaches will be required in due course.

Construction of Nabharan-Satkhira Road.

12. Mr. RANAJIT PAL CHOUDHURY: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether construction of the Nabharan-Satkhira Road under the Road Board has been abandoned?

(b) If the reply be in the affirmative, will the Hon'ble Minister be pleased to state why after spending so much money the road is being abandoned half finished?

The Hon'ble Sir BIJOY PRASAD SINCH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) No. The length of the road between Nabharan and Ellishpur is under construction and will be completed. I proposed to consult the Provincial Board of Communications about the portion from Ellishpur to Satkhira.

(b) Does not arise.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state if the work is going on there at present?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Yes, it is under construction.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state when is the road proposed to be completed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is difficult for me to answer that question off-hand, but it is proposed to be completed in due course.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state what is the quantity of work that has been done over there at present?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I had no opportunity of measuring it, but it is the whole length between Nabharan and Ellishpur which is under construction.

***Bridge over river Saraswati.**

***13. Rai Bahadur MANMATHA NATH BOSE (on behalf of Rai Bahadur Satis Chandra Mukherjee):** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state how long the bridge on the Saraswati River in the Municipal town of Bansberia in the district of Hooghly has been kept closed to vehicular traffic? Will he please state at what stage or condition is the question of the reconstruction of the said bridge at present? Can the Government give an idea of the time when the bridge will be completed and be opened to vehicular traffic?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): As I said in the reply which I gave on the 15th August, 1938, to part (c) of question No. 46 asked on behalf of the hon'ble member by Rai Bahadur Manmatha Nath Bose, this bridge is not under the administrative control of Government, enquiries about it should therefore be addressed to the Municipality. I may state, however, for the information of the hon'ble member that I believe that the bridge has been closed for more than 8 years, and that the Municipality are preparing revised plans and estimates for a new bridge. I am unable to say when the bridge will be completed.

Khan Khaya Khal.

14. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that Khan Khaya Khal at Dharmapur in the district of Chittagong is badly in need of immediate re-excavation?

*An *ad interim* reply to the question was given on the 23rd November, 1939.

(b) Is it a fact that the District Magistrate of Chittagong went to Dharmapur on the 20th March, 1939, to see the condition of this *khal* and assured the people of the locality to get this *khal* re-excavated at an early date?

(c) Is it a fact that unless this *khal* is re-excavated all the lands of Abdullahpur, Dharmapur, Jahanpore, etc., of the Chittagong district shall ever remain fallow to the great loss and hardship of the poor villagers of these villages?

(d) If so, will the Hon'ble Minister be pleased to state what steps he proposes to take to have this *khal* re-excavated at an early date for the benefit of a large number of poor villagers? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINCH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) No; the *khal* was re-excavated in May, 1939.

(b) The District Magistrate visited the *khal* on the 27th March, 1939.

(c) and (d) Do not arise.

Flood in Kandi.

15. Khan Bahadur ATAUR RAHMAN: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what is the total area affected by the flood in July last, in Kandi subdivision?

(b) What are the causes of the flood?

(c) Does Government propose to make an enquiry and find out the real cause of the flood and take steps to remove them?

The Hon'ble Sir BIJOY PRASAD SINCH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): With your permission, Sir, I propose to reply to questions 15, 16 and 17 together. The reply is that full information relating to these questions have not been received and that they will be answered when information is received.

Embankment of the Mayurakshi river.

16. Rai Bahadur SURENDRA NARAYAN SINHA: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that the embankment of the river Mayurakshi is a "protected" embankment in the district of Murshidabad?

(b) Is it a fact that the Government grants annually decent sums to the landlords concerned, to repair the embankments?

(c) If the answer to the above be in the affirmative, will the Hon'ble Minister be pleased to state the names of these zemindars and the amount of "Pull-bandi" allowances granted to each?

(d) Is it a fact that the lands and roads of many villages in the police-stations of Barwan, Bharatpur and Kandi are annually damaged on account of the breaches in the embankment of the said river?

(e) What is the nature of control exercised by the Government in order to see that the zemindars repair the embankment properly?

(f) Has any check or control ever been exercised?

(g) If so, how many times has it been exercised?

(h) Is it a fact that the Government is thinking of abandoning its old policy and of not pressing on the zemindars to repair the embankments any more?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): *Vide* reply to question No. 15.

Flood in Bengal.

17. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state the number of districts and the number of villages and *taluks* that have been inundated by floods during the last rainy season?

(b) Will he be pleased to state in how many of such districts and *taluks* the inundation has been recurring for the last five years, and in how many cases the inundation was for the first time in the last rainy season?

(c) Will he be pleased to state whether the Government made any departmental enquiries into the causes of such inundation in each of the affected areas?

(d) Has the Government taken any steps to prevent the recurrence of such floods in those districts? If not, why not?

(e) Does the Government propose to appoint a Committee consisting of equal number of members of the Assembly and the Council and Government Experts to investigate into the causes of such recurring floods in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): *Vide* reply to question No. 15.

• Regulation of Jute cultivation.

18. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether it is a fact that regulation of the cultivation of jute in Bengal largely depends on the demand for jute both inside and outside India?

(b) Is it the intention of Government to create a monopoly by restricting the cultivation of jute only to the jute-growers of 1939?

(c) Will the Hon'ble Minister be pleased to state the reasons for confining the recording of jute lands under the Bengal Jute Regulation Ordinance, 1939, to the year 1939 only? What precise relation is there between such lands and the matter of regulating the cultivation of jute in Bengal?

(d) Will not all the cultivating tenants or occupancy *rai-yats* in respect of those who did or did not grow jute in 1939 be given the right to grow jute on certain percentage of lands in their holdings which are fit for cultivation of jute? If not, will Government be pleased to give reasons therefor?

MINISTER in charge of the AGRICULTURAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) It is not quite accurate to say that regulation depends on the demand. The object of regulation is to adjust, as far as possible, the supply of jute to the anticipated demand for jute and jute manufactures throughout the world with a view to keep up the price of raw jute and to keep it steady.

(b) No.

(c) The Ordinance provides for the making of a record of the lands upon which jute was actually grown by every individual grower of jute in 1939. This record is an essential part of the information which Government must have before any action to regulate the acreage in future years can be taken. The year 1939, that is the present year, was chosen because, obviously, it is the year about which accurate information is most readily available. The hon'ble member will observe that the Ordinance contains no provisions for regulation of the acreage under jute. Such provisions are contained in the Jute Regulation Bill recently published, a copy of which has been placed on the Library table. From a perusal of this Bill, it will be seen that the system of regulation proposed is not based on the area recorded in any particular year but may have reference to more than one particular year either in the same or in different localities.

(d) I do not think that it is practicable under the present circumstances to devise any effective system of regulation which would allow each and every cultivator the right to grow jute on a certain percentage

of his holding. In the first place, it would be impossible to define what is "land fit for cultivation of jute." I think the system embodied in the Jute Regulation Bill, 1939, is the only practicable one in the present circumstances.

Non-official Resolutions.

Mr. PRESIDENT: Non-official resolutions will now be taken up for discussion.

Mr. RANAJIT PAL CHOUDHURY: 'Sir, I beg to move that this Council is of opinion that effective steps should be taken so that physical drill in all primary schools, military drill in all secondary schools and the study of military science and a course of military training for all college students may be made compulsory irrespective of age, caste, creed and colour, throughout the whole province of Bengal.

The Hon'ble Mr. TAMIZUDDIN KHAN: Both male and female?

Mr. RANAJIT PAL CHOUDHURY: Since we are having co-education, why not?

Mr. PRESIDENT: Under rule 93 of the Council Rules, I fix one hour to be the maximum time for the discussion of this resolution: 15 minutes for the mover and the Government member and 10 minutes for the other members.

Mr. RANAJIT PAL CHOUDHURY: This resolution of mine has been figuring on the list of admitted resolutions of this Council for nearly two years now. I have been fortunate this time to get the ballot. This was long, long before the present conflagration among the powers in Europe set in; so it must not be taken to mean that this resolution of mine has anything to do with the present War. Nor should it be thought that it has anything to do with the military preparations here. My demand is quite modest. It ought to be regarded an adjunct of the general academic education that is already existing. The general education in the schools and colleges has been considered imperfect and truly one-sided because of the lack of proper and regular physical culture along with that. It is in fact the physical culture in early years of life that ensures regularity of habit and inculcates discipline in conduct. As such, imperfection in one's general education can be cured by undergoing drill in a systematic way. I have pleaded for compulsory physical drill in all primary schools. Physical drill in the impressionable years of life not only makes the limbs agile and supple but also imparts vigor and agility to the system. Once it is

neglected in that period of life, it becomes difficult to get into the drill habit afterwards without much effort. Throughout the civilised world, physical drill in some form or other in the primary schools has formed a part and parcel of the child's general education. It is really a matter of regret that our leaders of education and thought have failed to take due note of this important factor in the child's training which is so very essential for nation-building purposes. The time has now come when they cannot any longer remain listless and unconcerned in such important matters. In order to enable India to become fit physically, such an exercise is essential for the children of all communities.

Sir, having already dwelt upon the value of physical drill for our children, it is redundant to dwell upon the necessity of such a drill for the grown-ups in the secondary stage in schools. What I intend to propose for the secondary school is that our boys should be made to undergo drill on military lines with sham rifles or lathis or the like under military experts. With such a trained batch, we can easily form a band of national militia for the defence of our hearths and homes. Besides, the training under military experts will generate a spirit of manliness and self-reliance and a habit of order and regularity and unloosen the latent energy and capacity among those who will undergo it. Manhood will then prove to be a veritable asset to our boys and the race will grow in health and stature and will live longer. Our nation's future will be brightened up. We shall thus be able to redeem our manhood once again.

Similarly, Sir, the study of military science in the college will impart instruction in military techniques to our youths who will have it in their course of studies and who may be called upon in some near or distant future—let us hope it will be distant—to shoulder the responsibility of protecting their country from foreign attacks or invasion. My suggestion in this matter is nothing new. Some Universities have already instituted theoretical courses in the military science. What I want is that our province should not lag behind in such an important matter affecting our future well-being. We have got to make our youths military-minded in such a way that if we give them sufficient opportunities and impetus, they are sure to prove second best to the Rajput and Sikh youths in military matters after some time. It is farthest from my mind, but supposing such a contingency arises that Bengal needs to be protected by her own youth, then these militarily-educated and trained youths with slight realistic modifications in their training will be able to shoulder the responsibility if the occasion comes. Sir, what is needed now is really earnestness on our part. Our people without distinction of caste, creed or colour should rise to a man and insist upon this demand. Such a demand should be placed side by side with our demand for general and technical education. The time has now come in all conscience to make a serious move in the matter.

especially for us in this militarily-neglected province of ours. The time-worn policy of distrust on the part of our rulers, the policy of indifference on the part of our political leaders and legislators, the policy of drift so long pursued in such matters must be abandoned if we want to live as men and do not mean to go under.

Now, as to the costs that may be involved in giving effect to this resolution, I do not want to saddle the exchequer unnecessarily. There is already a Buchanan system working throughout the province. There is a Director of Physical Education functioning at the headquarters with an office and a staff looking after physical education in the province. Again, every school is equipped with one or two teachers trained in the Buchanan system. Physical drill is even now undergone in all schools but has been so long done in a happy-go-lucky manner. What is needed is that such drill should be made compulsory in the curriculum and should be imparted in an intensive and extensive way.

As regards drill on military lines, that can be very well adopted in all educational institutions with the help and co-operation of the members of the University Training Corps and ex-Army men. The military science, of course, has got to be taught by enlisting the sympathy and support of other officers from the Army or by professors who have been themselves trained in military science. Sir, I have to thank my honourable friend Mr. Nur Ahmed—but I do not see him here—for his very valuable amendments which have gone to strengthen my case. I am agreeable to accept them if the House also agrees to accept them.

With these few words, Sir, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved:

This Council is of opinion that effective steps should be taken so that physical drill in all primary schools, military drill in all secondary schools and the study of military science and a course of military training for all college students may be made compulsory irrespective of age, caste creed and colour, throughout the whole province of Bengal.

***Maulana MUHAMMAD AKRAM KHAN:** এই প্রস্তাবে তিনটি বিষয় আলোচনা করা হয়েছে। প্রথমে বলা হয়েছে বাংলা দেশের সমস্ত প্রাইমারী স্কুলের সমস্ত ছাত্রের, ইংরেজীতে students বোলতে ছাত্রদেরও include করে কিনা সে আমি বোলতে পারিনে, প্রতি বাধ্যতা মূলক Physical drill শিক্ষার ব্যবস্থা কোরতে হবে। দ্বিতীয়ত সমস্ত secondary school এর ছাত্রদের military drill শেখাতে হবে। তৃতীয়ত সমস্ত কলেজের ছাত্রদের military শিক্ষার সঙ্গে সঙ্গে সামরিক বিজ্ঞানও শিক্ষা দিতে হবে।

* An authorised English translation of this Bengali speech will be found in the Appendix.

এবিষয়ে আমি মানবর প্রস্তাবক মহাশয়ের কাছে এবং এই হাউসের কাছে আমার যথাক্রমে বক্তব্য নিবেদন কোরতে চাই। দীর্ঘকাল ধরে বাঙালীদের সম্বন্ধে এই একটা কলঙ্ক প্রচলিত আছে যে—তাদের মধ্যে ক্ষত্র শক্তি নাই। সেই কলঙ্ক যদি দূর কোরতে হয়, তাহলে তখন রকম একটা সামরিক শিক্ষামূলক প্রতিষ্ঠান গোকড় তার ভিতর দিয়ে বাংলার যে সমস্ত লোক স্বভাবতই শারীরিক হিসাবে শক্তিমান সেই সমস্ত লোকদের সামরিক শিক্ষা দেওয়া দরকার। নৈলে দৈনিক ছিল কোবুতে হলে যে রকম শক্তিমান হওয়া এবং কষ্ট সহিষ্ণুতা থাকার দরকার সে রকম শক্তি ও কষ্ট সহিষ্ণুতা এ দেশের অনেক ছেলের নাই। আমি যদিও বাংলার বা ইংরেজী কোন স্কুলে কখনো পড়ি নাই, তবু এগারো জন ছাত্রের আমি অভিজ্ঞাবক। এবং সেই হিসাবে আমি ছাত্রদের সম্বন্ধে কিছু কিছু জানি। তারপরে কলিকাতা মাদ্রাসা কমিটির মেম্বর হিসাবেও এ সম্বন্ধে আমার কিছু প্রত্যক্ষ অভিজ্ঞতা আছে। গ্রামে যে সমস্ত প্রাথমিক স্কুলে ছাত্রেরা পোড়তে যায় তাদের বয়স কত এবং কতদূর থেকে তারা সেই সব স্কুলে যায়? আপনারা হয়তো অনেকেই জানেন যে—সেই সব ছোট ছোট ছেলেরদের দেড় মাইল দু মাইল হেটে স্কুলে যেতে হয়। সকাল বেলায় দুটা পুরাতা ভাত বা আলু ভাতে ভাতে খেয়ে দেড় মাইল দু মাইল পথ হেটে গিয়ে ৩৪ ঘণ্টা পড়ে আর মাষ্টার মহাশয়দের টেকজানি সহ্য করে তারপর যখন তাদের পেটের মধ্যে কুল, কুল কোরতে থাকে, তখন যদি তাদের left, right কোরে drill কোরতে বাধ্য করা হয়—তাহলে সেটা হবে তাদের পক্ষে নিষ্ঠুরতা। আমি অবশ্য এ প্রস্তাবের প্রতিবাদ কোরছি, তবে আমার বক্তব্য এই যে physical drill যদি primary স্কুলে এবং military drill যদি secondary school এ compulsory কোরতে চান এবং সঙ্গে সঙ্গে আপনারা যদি নিশ্চয় না হোতে চান, তাহলে আপনারদের এই ব্যবস্থাটাও compulsory কোরতে হবে—যে তাদের এমন খালি পেটে drill না করানো হয়। আমার একমাত্র আপত্তি এইটুকু।

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the previous speaker has fully dealt with the question of physical drill in primary schools. I do not wish to cover the same ground. I shall confine myself to the remaining matters, i.e., the introduction of "military" drill, the study of "military" science and a course of "military" training in our colleges. At the very outset, I feel it extremely difficult to follow what "military" drill actually means or what the proposer really means by this expression. If "military" drill is something apart from ordinary drill, I think students must be given guns and rifles and they should be given training in gun-practice, rifle-practice, aeroplane-practice and things of that kind. My honourable friend has said that this training can be given through the courtesy of military officers. According to him, this training must be given not in one centre in Calcutta but in all colleges scattered throughout Bengal. I believe the services of trained military officers for the purpose will not be available through mere courtesy. Military officers cannot be had for the mere asking. They are not amenable to provincial influences. My honourable friend's alternative suggestion is that our college professors, trained in the military sciences, should be employed to give this training. I have yet to learn that there is any professor in Bengal or in India or possibly in the whole world who, as such, will be able to give military training—something apart from ordinary drill and ordinary physical culture—to our young men. There are two very honourable professor-members in this House. They are at the moment both absent. I think that if they are asked to undertake this

duty, they would run away from their task and possibly scenting the danger in this direction, they have both left the House for fear of being requested to handle military arms and ammunitions. I submit that training in the "military" sciences and "military" practice is all high talk. It should be ruled out, firstly, on the ground of cost; the scheme involves pound, shilling and pence and no college is solvent enough to bear the expenses. It should also be ruled out on the ground of impracticability. If my honourable friend wishes to introduce more physical exercise, better drill and advanced physical culture in our colleges, he will be well within practicable limits and everybody will sympathise and agree with him. But this high-sounding resolution amounts to mere pious wish. If this House is to function properly and effectively, it should propose things which are practical. Mere expressions of good sentiments, generous feelings or pious opinions might capture the imagination of the man in the street but men who are accustomed to appreciate the responsible function of the Upper House will expect a better standard—a much more practical standard from us. With these observations, I oppose the immediate introduction of military drill and teaching of "military" science and course of "military" training in all colleges throughout the Province.

Mr. KAMINI KUMAR DUTTA: Sir, as far as I have been able to follow the trend of this resolution, to me it appears that it is not the object of my friend, the mover of the resolution, to convert all the educational institutions into places for turning out fully equipped military officers or soldiers. The resolution must be understood in its true sense. The main contention of the mover is that full development of manhood requires that not only the mental capacities of our boys and girls should be trained and developed, but their bodies also must be developed. Apparently, the resolution aims at the attainment of true manhood which would enable any man to defend his hearth and home. It has been argued that it will necessarily entail a good deal of expense if full military training is to be given in all the educational institutions. Certainly, it will. But the object of the resolution, as I have already stated, does not appear to be to impart full military training in our educational institutions. That is not done in any part of the world. For that purpose, there are different institutions. But at the same time, every nation which claims to live as a nation does require that all adult males and females should fully equip themselves to defend their own honour, to defend the honour of their Motherland and to defend the honour of their hearths and homes. Sir, there is a stigma attached to the Bengalees that they are not fit for military services. That slur has got its real origin in the exclusion of Bengalees from the military services and from

getting any military training. First, they are excluded from the opportunity of getting any military training and then the slur is cast upon them that they are inefficient. This inefficiency, I should say, is an artificial barrier created for a particular purpose. That stigma must be removed. Sir, in modern times, it is not only the power of the muscles which makes an efficient soldier. It requires brain too. A mechanised army of modern times does not consist of illiterate soldiers only. It requires brain more than brawn and as the world affairs are now taking different shapes almost every day and as it is in the mouth of everybody that a new order is coming,—although we do not know what that new order would be like,—one thing is clear that every one must be ready to defend his country, to defend his freedom, to defend his hearth and home. Not a moment ought to be lost for giving full opportunity to the young men and women of the country—I particularly say, young women—to prepare themselves for full development of their body and mind. We find that we have been reduced almost to a race of imbeciles; we cannot resist ordinary robbers, we cannot resist kidnappers who would abduct our daughters and sisters. This state of things ought not to be allowed to continue. I fully support the resolution which urges that steps ought to be taken for giving full physical training to the young men and women of our country, so that there may be full development of their bodies and minds.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I know if the time-limit has been reached?

Mr. PRESIDENT: I have fixed the maximum time-limit of one hour for this resolution. I have not allowed other members to speak on this resolution lest the House should miss the opportunity of hearing the Government point of view.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am in full agreement with the aim, and object and also the sentiment behind the resolution, especially as expressed by the Leader of the Opposition, or rather, I should say, as the resolution has been modified by the Leader of the Opposition. But the resolution, as it is worded and as it stands at present, is such that I have got no option but to oppose it, primarily on the ground, as has been stated by Khan Bahadur Naziruddin Ahmad, of its impracticability. For example, the first portion of the resolution says that "effective steps should be taken so that physical drill in all primary schools". Now, Sir, the House is well aware that a compulsory primary education scheme envisages an expenditure of something like 1½ crores to 2 crores of rupees—perhaps 2½ crores. Now, if to that we add a teacher who can give training in physical drill to the boys in the primary schools, I would just ask

you to imagine how much the cost will be enhanced. It is true that we are trying to employ as far as possible trained *gurus* who can give some amount of instruction in physical drill and it may be possible that we may be able to utilize them. But even now and for sometime to come, the number of such trained *gurus* teaching in the primary schools will be something in the neighbourhood of 25 to 30 per cent., whereas the rest, as far as my knowledge goes, are untrained teachers. Therefore, to provide for training in physical drill in primary schools is a thing which apart from all other considerations is beyond the means of this Government, specially keeping in mind the fact that the party to which the honourable mover belongs has, I believe, insisted always that primary education should be free and compulsory without payment of any tax whatsoever. Now, Sir, that will mean that something like Rs. 2½ to 3 crores will have to be found from the provincial exchequer. Therefore, that part of the resolution is absolutely impracticable.

Then again, as far as military drill in secondary schools is concerned, if it means what has been stated by the Leader of the Opposition and Khan Bahadur Naziruddin Ahmad, viz., development of the body, development of physical culture and improvement of the physique of the youths of Bengal, well, Sir, that is the accepted policy of Government. They are giving effect to it and they are prepared to give an undertaking that as far as possible and practicable, they will take every step to improve that side of the question. I am sure, even the honourable mover does not mean military drill in the sense of military training or anything like this and if by this, he means military physical exercise, then I am in full agreement with him. As a matter of fact, our physical instruction now is based on the military physical exercise and, I believe, the new men who are being taught under the Buchanan system in the physical training school get what is called the military physical training.

Therefore, Sir, so far as that aspect of the matter is concerned, Government are not only anxious but are always ready, as far as means would allow, to do as much as they can; because, they feel that the province cannot progress unless the physique of the youth is improved. It is one of the things which every modern country is now insisting on and it is our duty also to insist on it. Here again, I would draw the attention of the members to the fact that in every one of the secondary schools which are scattered all over the province, we must have a trained teacher. Unfortunately, Bengal did not have any Physical Training College before. It is only since this Government came into power or I believe just before this Government came into power that a Physical Training College was started here. We are trying, as far as possible and as quickly as possible, to get as many trained teachers as we can for, without trained teachers we may make

bad mistakes. We are trying to do it, and we are trying as far as possible to make it compulsory. Now the question is this: unless we get trained teachers it is rather difficult to make it absolutely compulsory. But we are taking every step in that direction.

.. I come last of all to the question of providing military training for college students. A study of military science and a course of military training for all college students is proposed to be made compulsory irrespective of caste, creed or colour throughout the whole province of Bengal. Here again, I think it is an unpractical proposition. What we have done so far is to provide University Training Corps both in Calcutta and Dacca. Unfortunately, our experience in that respect has been rather disappointing in a way. The number of pupils who have taken advantage of it is very few and those who have joined it have not tried to do so as enthusiastically and keenly as one would have expected. There has been a large number of absentees. The figures regarding the Calcutta University Training Corps are as under. The authorised strength of the unit is 673. The average strength of the unit throughout the year has been 522. The number of cadets that should have attended the camp was 469. The number of cadets that did not attend the camp was 272. The number who left the camp before completion of training was 59. The percentage of unit that did not complete parade obligation was 84.1 and so on and so forth. There are some other figures also. I need not go into them. I only want to show that the response to this kind of training has been rather poor and public opinion should be roused that students in the Universities of Dacca and Calcutta should take advantage of the facilities provided and join the University Corps and do it properly and not simply join. Government are also prepared to consider the extension of the University Training Corps to other mufassil colleges but we cannot make a definite promise for the simple reason that to be able to do that we have got to get the consent and approval of the military authorities who have to depute a trained officer. Besides, the questions of custody of arms, rifles and other things have got to be properly settled, before we can extend the facility of a Training Corps to a particular college. But that is one of the questions which we are examining and which we are prepared to examine further. We are prepared to see that this facility, viz., to allow the students of colleges to join the Training Corps, should be available as far as possible. In view of what I have stated especially accepting in principle the sentiments behind this resolution, I hope the mover will withdraw it.

• **Rai KESHAB CHANDRA BANERJEE Bahadur:** Sir, I feel that I would be failing in my duty if I did not say a few words in support of this resolution, because on two previous occasions I was responsible for sponsoring similar motions which aimed at giving military training

to the people of Bengal. I quite understand the viewpoint of the Hon'ble Home Minister that the resolution as it has been worded cannot be accepted on account of the financial liabilities involved.

The Hon'ble Khwaja Sir NAZIMUDDIN: Also on the ground of impracticability.

Rai KESHAB CHANDRA BANERJEE Bahadur: I don't think that the hon'ble mover means anything beyond a short course—a primary course—of military training to the young boys so that ultimately when they grow up into full manhood, they may have opportunities of receiving full military training under experts. Sir, physical drill presupposes capacity to bear arms. The present generation of our young men are hopelessly weak and it is generally believed that this physical weakness is due mainly to the absence of adequate facilities for physical culture. I fully appreciate the remarks of Hon'ble Home Minister that it is not practicable to give effect to the resolution so far as military training is concerned, because in that case it would require the permission of the Army authorities in India and the provision of necessary funds. But there is one thing which I cannot properly understand, viz., the financial implications of the question. In the Congress provinces, a course of military training was arranged by the Congress Ministries. If it was a question of funds, then those provincial Governments would not perhaps have been in a position to think of introducing a short course of military training for their boys. It is a question into which, I think, the Hon'ble Minister would do well to have an enquiry made in order to find out the details of the scheme prepared by the Congress Ministries and if it is considered possible to obviate those difficulties, then the Government should not hesitate to arrange for an elementary course of military drill as suggested by Mr. Pal Chaudhury. In any case, the difficulties do not seem to be insuperable if only there is the will to take up the question earnestly. With these words, I support the resolution.

Mr. KADER BAKSH: Sir, I want to say a very few words on this resolution. I don't think that I require any very long time to explain the situation as it prevails now. Sir, as the Hon'ble Home Minister has said, the sentiment behind the resolution is laudable and the principle has been approved. There is no objection to the acceptance of the principle but the question is whether there is any practical difficulty in the way of introducing physical training in all primary schools in the interior. As far as I remember, there are about 64,000 primary schools scattered throughout the province. We will have to see whether it would be possible to give effect to any scheme for such physical training in those schools at once or in the course of 64 years. Sir, the question of introducing free and compulsory primary education has been in the air. It was introduced about

11 years ago in the old Council. But Government have not been able to give full effect to it. And why? The question is being discussed year after year, on the floor of the House but nothing could be done appreciably in that direction on account of dearth of funds. Would it not have been better if my hon'ble friend, the mover of the resolution, had given some practical suggestions as to how to raise the fund which might be required for the purpose of giving effect to the system which he has placed before the House. But unfortunately, Sir, we always think and talk of big things and never give any practical suggestions as to how those schemes could be introduced in practice. It would have been better if my hon'ble friend, the mover of the resolution, had given some sort of suggestion with regard to the fund which would be required in his opinion for bringing the scheme into operation. If it is to be done, all the teachers in primary schools must be first given training under the Buchanan system. Without giving any sort of training to the teachers, the idea of bringing the scheme into operation will remain a vision.

As regards the introduction of military science in secondary schools, maktabas, tols, etc., which are scattered all over the province, the number of people who would be required for the purpose of staffing them will not be available. We would have to wait and wait.

Military training through ordinary schools and colleges as my friend, the Leader of the Opposition, has admitted, does not exist anywhere in the world. If it is to be imparted, it must be done by opening a college or an institution where people who are desirous of taking military training may get admitted. Though I have every sympathy with the principle of the resolution, nevertheless, I think it is impracticable. Either it should be withdrawn or opposed.

***Khan Bahadur Maulvi MUHAMMAD IBRAHIM:** পাল চৌধুরী মহাশয়ের প্রস্তাব বেশ প্রণিধান যোগ্য, সমর্থন যোগ্যও বটে, কেননা ভারত যুদ্ধ কোন দিন স্বাধীনতা সংগ্রামে অংশ গ্রহণ করে তাহলে পাঞ্জাবীরা তাদের ছেলে পেনেদের যেভাবে military training দিচ্ছেন, আমরা বাঙ্গালীরাও সেইভাৱে ট্রেনিং দেওয়া উচিত। কেননা তখন পাঞ্জাবের নেতারা এ কথা বলতে পারেন—আমরা যখন ভারতকে স্বাধীনতা দানের জন্য এতখানি করেছি, বাঙ্গালী তাহার ভাগ কেন পাবে? সুতরাং বাঙ্গালীকে অনেক পক্ষান্তে থাকতে হবে তখন। বাঙ্গালীকে কিছুতেই রক্ষা করতে পারা যাবে না। কিন্তু সেই অবস্থার মূলে একটা পারিপার্শ্বিক অবস্থা দেখবার দরকার আছে। আক্রমণ শী সাহেব অতি সত্য কথা বলেছেন। এখানে যে অবস্থা তাতে Physical Training এর জন্য—Buchanan Training, ব্রতচারী ট্রেনিং, প্রভৃতির যে ব্যবস্থা আছে তার জন্য যথেষ্ট শিক্ষক পাওয়া যায় না। বিশেষতঃ ছেলেদের খাওয়ার অবস্থা এখনি হয়েছে যে তারা এক রকম না খেয়ে থাকে। কোন কোন জায়গায় অবশ্য tiffin এর ব্যবস্থা হয়েছে তাও মাসে চার গন্ডা। অর্থাৎ দৈনিক আধ পয়সা। গভর্ণমেন্ট সে সম্বন্ধে বোধ হয় কিছু কিছু কচ্ছেন। সুতরাং ছেলেদের পেটে যদি অন্ন না থাকে তাহলে তারা কেমন্ট করে military training পাবে আমি বুঝতে পারি না।

অবশ্য আপনারা বলতে পারেন পাঞ্জাবের ছেলেরা যদি পারে বাংলার ছেলেরা কেন পারবে না? পাঞ্জাবের থেকে কি বাংলার অবস্থা হীন? বাংলার অবস্থা পাঞ্জাব অপেক্ষা যদিও ভাল তথাপি যদি গভর্ণমেন্ট ছেলেদের খাওয়ার ব্যবস্থা আর্গে করেন তাহলে বোধ হয় এই প্রস্তাব আরও সুসঙ্গত হবে।

দ্বিতীয় কথা :— Teacher পাওয়া যাবে কোথায়? প্রাইমারী স্কুল, সেকেন্ডারী স্কুলের সেই অবস্থা নাই। আমি কোন একটা স্কুলের সঙ্গে সন্শ্লিষ্ট। তিন বৎসরের মধ্য দশজন Physical Instructor এর appointment দিয়েছিলাম, একজনকেও টিকাইতে পারি নাই, কেন না গভর্ণমেন্ট স্কুলে তাদের অত্যন্ত চাহিদা, এই অবস্থায় প্রাইমারী স্কুল ও সেকেন্ডারী স্কুলের জন্য trained teacher কোথায় পাওয়া যাবে? সুতরাং trained teacher এর ব্যবস্থা করার পরে যদি বাংলাদেশে এই ব্যবস্থা করা হয় তাহলে পাল চৌধুরী মহাশয়ের প্রস্তাব আমি সমর্থন করি। ছেলেদের training এর জন্য ট্রিপলিক্ট শিক্ষকের ব্যবস্থা এবং ছেলেদের খাওয়া দাওয়ার ব্যবস্থা—যা আজ্ঞাম খণ সাহেব বলেছেন—হওয়ার পরে এই প্রস্তাব করলে আমি সর্বান্তকরণে তাহা সমর্থন করিতাম।

Mr. RANAJIT PAL CHOUDHURY: Sir, in view of the sympathetic assurance given by the Hon'ble Home Minister, may I have your permission to withdraw my resolution?

Mr. PRESIDENT: Is it the desire of the House that leave be granted to the honourable mover to withdraw his resolution?

(Cries of "no objection".)

The resolution was then, by leave of the House, withdrawn.

Rai KESHAB CHANDRA BANERJEE Bahadur: Mr. President, Sir, I beg to move that:—

This Council is of opinion that the Bengal Board of Film Censors should exercise stricter control in regard to films and the publication of film pictures in the newspapers which might have the effect of inculcating immoral ideas in the minds of young boys and girls.

Sir, the subject-matter of the resolution is one of paramount importance to the society in general and to the present generation of our young boys and girls in particular. There can be no two opinions about the desirability of my proposition, particularly at the present time when evil influence and temptations of all kinds threaten to blast the future of our young hopefuls in this country. As the hon'ble members of this House are aware, the exhibition of objectionable films from the standpoint of morality and the publication of obscene pictures in the newspapers and handbills have assumed such proportions as to call for prompt action effectively to deal with this growing menace.

Sir, we in this House have no right to amend the Indian Cinematograph Act which is an Act of the Central Legislature. But we can urge upon the Local Government to devise ways and means to ban the production and exhibition of objectionable films so far as it lies in their power under the said Act.

The question of the adequacy of the censorship exercised over cinematograph films has been attracting for some time past increasing public attention. The report of the Committee appointed by the Government of India in 1927 to examine, among other things, the organisation and the principles and methods of the censorship of cinematograph films in India amply repays perusal. The Committee, after protracted deliberations, came to certain specific conclusions and the point raised in this resolution was also elaborately discussed. The vast majority of witnesses examined by the Committee were of opinion that proper censorship was the only effective method of preventing the import, production and public exhibition of films which might demoralize morals, hurt religious susceptibilities, or excite communal or racial animosities. The Committee unanimously agreed with this popular view. The Statute under which cinema exhibitions are controlled and films censored is the Cinematograph Act, 1918 (II of 1918), as amended by the Cinematograph (Amendment) Act, 1919, and the Devolution Act of 1920. The main objects of the Act of 1918 were (1) to provide for the safety of audiences and (2) to prevent the exhibition of objectionable films. The pre-existing law relating to (1) was scattered over various Provincial Police Acts and Municipal Acts, while as regards (2) the only law applicable was contained in sections 292 and 298 of the Indian Penal Code, section 144 of the Criminal Procedure Code and rules under the Presidency and Rangoon Police Acts. Amendments were made in the Act by the Devolution Act (XXXVIII of 1920) by which certain powers given by the original Act to the Governor-General in Council devolved upon Provincial Governments.

Control of cinematographs is now a Provincial subject; but it is subject to legislation by the Central Legislature in regard to sanction of films for exhibition (Devolution Rules, Schedule I, Part II, 33 (f)).

The Cinematograph Act provides that no cinema exhibition shall be given except in a place which has been licensed, such licences are to be granted by the District Magistrate, or, in a Presidency Town or in Rangoon, by the Commissioner of Police, unless the Provincial Government appoints some other authority. The Act also provides that no film shall be exhibited unless it has been certified by the proper authority as suitable for public exhibition. Under this section, Boards of censors have been constituted at Bombay, Calcutta, Madras, Rangoon and in the Punjab. Rules have been framed under the Act by each of the five Provincial Governments concerned regulating the certification of films and prescribing the conditions of licences. In the first place, a District Magistrate or in a Presidency Town or Rangoon, the Commissioner of Police, is empowered to suspend at any time the certificate of any film pending the orders of the Provincial Government [Section 7(5)]; and that Government can then declare the film to be

deemed uncertified throughout the Province or any part of it. In the second place, the Provincial Government can take this action of its own motion. Thirdly, a Board of Censors can re-examine any film which has already been certified and suspend the certificate in that Province pending the orders of the Provincial Government.

Sir, I have dealt with the legal aspect of the question and shall now refer to the constitution of the Board of Censors in Bengal. The Bengal Board consists of the Commissioner of Police, Calcutta, President ex-officio, a lady representative who is a European, representatives of the Bengal Chamber of Commerce and of the Calcutta Trades Association, a Jewish merchant, a Muslim Principal representing the Education Department, and a Hindu lawyer representing the Corporation of Calcutta, the total strength being eight. A Deputy Commissioner of Police is ex-officio Secretary, and receives an allowance of Rs. 100 a month. The Board has a part-time European Inspector who receives from the Board an allowance of Rs. 300 a month. There is an additional Indian Inspector whose pay is Rs. 100—5—150 plus a conveyance allowance of Rs. 25 a month. The members of the Board and the Secretary are paid a fee of Rs. 16 for attending Board meetings and for sitting on any sub-committee appointed to examine films. The office of the Board is situated at the Calcutta Police Headquarters. It will thus appear that out of eight members only two are Bengalees. The preponderance of the European element on the Board is hardly consistent with the spirit of the times. The cost—

Mr. PRESIDENT: Order, order. I now adjourn the House for prayer; it will meet again at 4-20 p.m.

After adjournment.

Rai KESHAB CHANDRA BANERJEE Bahadur: The cost involved is also very heavy. The machinery of administration, therefore, is not such as to inspire confidence, as will appear from the objectionable films allowed by the Board for public exhibition. The reason for this is not far to seek. The Indian standard of morality is different from that of the Western countries. In the eyes of the Westerners, love-making scenes are not objectionable, whereas we consider film scenes showing passionate love-making, long lingering kisses and passionate embraces as having a tendency to demoralise the youth of the country. Then again, suggestive impropriety in dress and conduct and amorous gestures as exhibited on the screen are definitely harmful in that they produce a direct and vivid impression upon the mind of the spectator. Judged by the Indian standard, the American films are the worst in

this respect. To give an example of this sort of criticism, a well-known Bishop intimately acquainted with India stated (as reported in the Press) in a speech at a conference in England in 1925:—

“The majority of the films, which are chiefly from America are of sensational and daring murders, crimes, and divorces and on the whole degrade the white women in the eyes of the Indians.” Questions were also asked in Parliament regarding the censorship in India and the harm which is done by these undesirable films over which public opinion is very seriously disturbed in India. One of the questioners—Colonel Day—asked, “Is the noble Lord aware that the last film banned was a British film and not an American film?” Earl Winterton replied—“I do not know that, but at any rate, it was an undesirable film.”

The British Social Hygiene Delegation which visited India some years ago made the following observations in their memorandum on the cinema, among other drastic criticisms of the films exhibited in India:—

“In every Province that we visited the evil influence of the cinema was cited by educationists and the representative citizens as one of the major factors in lowering the standard of sex conduct, and thereby tending to increase the dissemination of disease.”

(At this stage, the bell rang indicating that the time-limit had been reached.)

Rai KESHAB CHANDRA BANERJEE Bahadur: May I have five minutes more?

Mr. PRESIDENT: You can take as much time as you like. I have not fixed any time-limit for this resolution. • •

Rai KESHAB CHANDRA BANERJEE Bahadur: The question has been discussed on two occasions in the Council of State. On the 22nd January, 1925, the Hon'ble Mr. (now Sir Ebrahim) Haroon Jaffar moved a resolution urging upon the Governor-General in Council to set up such machinery as would be able effectively to regulate the import into India of cinema films and to exercise a stricter control over cinemas generally. In the course of his speech he stated *inter alia*, “It would almost appear that certain of the American producers cater especially for such countries as India and Japan and make films which they would never dare to release in America or England”. Continuing he said “I believe it is also true that any films which are so suggestive as to come under the ban of the Censorship Board of America are silently packed up to places like India where up to the present the authorities have not been so strict in these matters”. In the course of the debate the Hon'ble Mr. R. P. Karandikar stated “It has been a

matter of complaint all over India that the student world is drawn away from the right path by the kind of cinema representations that are open. It is time for us to look into the matter more closely". The Home Secretary in his reply said "We have recently in a general review of the whole question called the attention of local Governments to the the directions in which under the existing Act by the existing machinery improvements can be attained".

I could quote further authoritative opinion in support of my contention but as the time at my disposal is limited, I shall conclude by appealing to the Ministry to take such steps as would prevent the exhibition of what are called "Sex" films and "Crime" films and the publication of obscene posters, hand-bills and advertisements which unmistakably tend to have a bad effect on the morals of children and adolescents in our society.

I am not aware whether Inspectors of films in Bengal have any definite instructions or data to follow in regard to the banning of undesirable films. If not, Government would do well to refer to the suggestions given by the Bombay Board of Film Censors to their Inspectors and stiffen up and raise to reasonable efficiency the present censorship in this province which is largely nominal in character.

Mr. PRESIDENT: Resolution moved:

"This Council is of opinion that the Bengal Board of Film Censors should exercise stricter control in regard to films and the publication of film pictures in the newspapers which might have the effect of inculcating immoral ideas in the minds of young boys and girls".

***Maulana MUHAMMAD AKRAM KHAN:**

সভাপতি মহাশয়, আমি আপনার অনুমতি নিয়ে একটা short notice amendment House এর কাছে উপস্থিত কোরতে চাই। সেটা হোচ্ছে এই যে in the third line, the words "in the newspapers" be omitted.

সিনেমা সম্বন্ধে কোন রকম বিশেষজ্ঞতার দাবি আমার নাই। কিন্তু তা না থাকলেও বলতে পারি যে পথে ঘাটে সদা সম্বন্ধা যে সমস্ত পোস্টার বা হ্যান্ডবিল বিতরিত ও প্রচারিত হয় সেগুলি সংবাদ পত্রের চেয়ে অনেক বেশী অংশে আপত্তিকর। সেগুলোকে বাদ দিয়ে যদি newspaper কে ধরা হয়, তাহলে newspaper এর উপর খুব অন্যায় করা হবে। বর্তমানে তাদের উপর Press Act এর অধিকার রয়েছে; তার উপর Ordinance আর Press Censor তো আছেই; এখন আবার যদি এসব করা হয় তাহলে বাইরের লোকেরা বুঝবে এই যে বাংলা দেশের newspaper ওয়ালাদের মতন অসচ্চরিত্র লোক আর নাই। কেন না বাংলার কাউন্সিলে পৰ্বন্ত তাদের বিরুদ্ধে resolution কোরে তাদের অসাধুতা নিবারণ কোরতে হয়েছে।

Mr. PRESIDENT: Amendment moved: that in the third line the words "in the newspapers" be omitted.

*An authorised English translation of this Bengali speech will be found in the Appendix.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the effect of the amendment would be that it would rather strengthen the original resolution. The condition would extend to all classes of advertisements including newspapers; so, the effect of the amendment is not merely negative.

With regard to the proposal contained in the resolution, I think I am in full sympathy with its object but I may, speaking for myself, sound a note of warning that there is a danger of going too far in this direction. If we think that our boys and girls will be spoilt by seeing cinema pictures of a sensational character and if we think that we can save them by insulating or isolating them from these forms of entertainments, I think there is a danger of driving them to worse things than these. Of all forms of roads to ruin, cinema is the least injurious. We are living in modern times and we cannot escape the influence of our environments. I will not labour the point further and will leave it at that.

Then, Sir, the resolution is vaguely worded. The hon'ble mover apprehends that our boys and girls may catch "immoral" ideas. That is rather vague. The standard of immorality is quite personal and nobody can say what would encourage "immoral" ideas and what would not. I was shocked to learn in the course of the last 24 hours that there are honourable members in this House who have never seen a cinema film. For some of them this may have been quite accidental. But there is one gentleman, for whom I have the highest respect, who maintains that it is his determination never to see these things. He has never been to a theatre and has never seen a cinema picture and that honourable gentleman is no other than our respected Khan Bahadur Saiyed Muazzamuddin Hosain. To him every cinema picture would encourage immoral ideas. So, Sir, there should be a limit somewhere. In a resolution of this character, we are not tied down strictly to the logical or literary meaning of expressions. I think, I should in the circumstances, support the resolution with these remarks.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I fully support the resolution which my friend Rai Keshab Chandra Banerjee Bahadur has so ably moved. He has first described the legal point of view as to how the Act was passed and what was its effect and secondly, about the control over publication. He has already said that the Government of Bengal has the control over the publication so far as the pictures that are being shown here in Bengal are concerned. It is a fact, and no one can deny it, that it is the fashion of the day that boys and girls do take pleasure in going to a cinema and they are practically making it a habit of going to a cinema at least once a week. It is also a fact that there are pictures which are objectionable from the moral point of view. The utility of cinema for the public

is very great. It has an educative value and at the same time it enlightens the mind of the people and imparts knowledge besides giving innocent pleasure and recreation. In Bengal, the film-owners, in order to attract people and for the purpose of making money, produce pictures in which love scenes are depicted and passions are excited. I have seen pictures in which certain classes of people are personified as the embodiment of all sins. There are pictures also which from the moral point of view might not be objectionable to other nations, but to us it is most objectionable. My friend has also suggested that there should be a strict control by the Board. The Board should strictly exercise their control to see that the pictures that are being shown are not used in the nature of indicating the path of vice to the young boys and girls. If the Board exercises proper control, then we shall have no more complaint to make. The composition of the Board should represent all classes of people.

Sir, with the amendment that has been moved by Maulana Saheb, I have full sympathy. In the newspapers, generally they do not publish pictures so indecent in character as is done in the cinemas.

But, Sir, there are other pictures also which appear in newspapers and which are not suitable to our country.

With these words, Sir, I fully support the resolution.

Mr. KAMINI KUMAR DUTTA: Mr. President, Sir, it is now recognised all the world over that the film industry in a useful industry and films are utilized as media for propagating ideas, and indeed it is a very useful medium of popular education. But at the same time, it is open to abuse. It is only to guard against the abuse of films that this resolution has been brought forward. I will not dilate much upon this resolution. It has already been said that there are films, produced in foreign countries and shown and exhibited here, which do not really propagate good ideas.

Sir, it is an accepted principle that the production and exhibition of films should be under the control of the administration of every country because it has got the potentiality not only of proving useful but it has also got the capacity of being injurious. Films are also being produced in the different provinces in India, but I must admit with regret that the films produced in Bengal have an abnormal tendency towards "Sex" appeal which ought to be checked (cries of "Hear, hear"). I would appeal to Government that the attention of the Bengal Board of Censors may be directed to this matter. Really, we cannot understand how some of these objectionable films escape the vigilance of the Bengal Board of Censors. We find that the producers know the ways and means of escaping the vigilance of the Board. The door through which they escape the vigilance of the Board ought to be closed and these films ought to be banned. In other countries, films

are shown not only to give recreation to the people in their leisure hours but also for spreading education amongst the masses. But here we are not doing it, though we are feeling the necessity for that. Films ought to be utilized for spreading educative ideas amongst the masses. Films should not be used only for the purpose of catering to the pleasure of a few persons who happen to see them or who happen to be present during their exhibition in the cinema houses. I would like to finish by saying that particular attention ought to be paid by the Bengal Board of Censors, so that objectionable films, whose only object is an appeal to the sex, might be checked. I have myself seen some films in which most unnecessarily some scenes are introduced which have no connection with the plot and which seem to have been introduced most unnecessarily with some half-nude pictures and other objectionable features. The object is apparent. So, I think that this resolution is a very useful one, and I support it.

***Khan Bahadur Maulvi MUHAMMAD IBRAHIM:**

বায়স্কোপ

এক টিক এই গুলি বিজ্ঞানের অত্যন্তব্যাবিস্কার। এই গুলিদ্বারা ভাল ভাল কাজ করা যেতে পারে ইতিহাস, ভূগোল স্বাস্থ্যতত্ত্ব কত রকম ভাল জিনিষ প্রচার করা যেতে পারে। কিন্তু যখন ব্যবসায় নৈমেছে তখন ব্যবসায়ীরা এই গুলিকে নানা রকম রংয়ে রঞ্জিত না করলে তাদের ব্যবসা চলে না।

যেসব ছবি দেখান হয় সেইসব ছবি দেখে তরল মতি ছেলে মেয়েদের মাথা ঠিক রাখা কঠিন। আমাদের district এ লায়লা মজনু বলে একটা “পিকচার” দেখানো হয়েছিল। তার পরে একটা বালিকা আত্মহত্যা করেছে। তাদের মধ্যে লায়লা মজনুর মত ভালবাসা ছিল। মা বাপ বিবাহ না দেওয়ায় সে আত্মহত্যা করেছিল। সেই আত্মহত্যা সিনেমার ফল। সিনেমার জন্য কত অনিষ্ট হচ্ছে সমাজে তাহার ইয়ত্তা করা যায় না। আজ কাল কলিকাতায় ভদ্রঘরের মেয়েরাও সিনেমায় নেমে পয়সা উপার্জন করতে আরম্ভ করেছে। এতে আমাদের সমাজের কি পরিমাণ ক্ষতি হচ্ছে তাহা অনুমান করা যায় না। সুতরাং রায় বাহাদুর যে প্রস্তাব করেছেন আমার মনে হয় গভর্ণমেন্টের তাহা গ্রহণ করা উচিত।

সমাজকে সংযত রাখতে হলে সিনেমাগুলির উপর আরও প্রখর দৃষ্টি রাখা উচিত। স্কুল কলেজের ছাত্রেরা সিনেমায় গিয়ে মাথা ঠিক রাখতে পারে না। আমাদের মত বৃন্দেহরাও কখনও কখনও মোটে পড়ে—বালক বালিকাদের কথা দূরের কথা। সুতরাং রায় বাহাদুর film সংযত করবার জন্য যে প্রস্তাব এনেছেন আমার মনে হয় ইহা অতি সঙ্গত প্রস্তাব এবং গভর্ণমেন্টের ইহা গ্রহণ করা উচিত। আমি এই প্রস্তাব প্রণেতা সঙ্গো সমর্থন করি।

Mr. NARESH NATH MOOKERJEE: Mr. President, Sir, I rise merely to make a short-notice amendment with your permission. The amendment is that after the word “newspapers”, I would like to add “posters, magazines, periodicals and handbills”.

I do not wish to waste the time of the House because there are many things which I should like to say and which perhaps I ought not.

*An authorised English translation of the Bengali speech will be found in the Appendix.

Mr. PRESIDENT: I am sorry, Mr. Mookerji, the Chair is not in a position to accept the amendment.

Mr. NARESH NATH MOOKERJI: May I submit, Sir, that there is a chance of this resolution being accepted and this short-notice amendment is likely to considerably improve the resolution.

Mr. PRESIDENT: No, I am sorry.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. President, Sir, I am sure that the House will be grateful to the Rai Bahadur for the learned discourse that he has given on the legal and moral history of the Film Board of Censors (laughter).

Rai KESHAB CHANDRA BANERJEE Bahadur: Because I have been long associated with it.

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe, Sir, that if anybody had moved a resolution like this in America or in other foreign countries, he would be termed a crank (laughter), but I am sure the House will agree that the Rai Bahadur has dealt with this subject without disclosing what films he considers to be objectionable. There were neither any facts nor figures, nor any expression as to what particular films he considers to be objectionable as compared to others. Besides, his statements of facts are not all correct, especially as regards the composition of the Film Board of Censors, in so far as he alleges that there are only two Indians in the Board of Censors. Actually as things are at present, for the last two years the European representatives have been—one from the Chamber of Commerce, one from the Trades Association, Mrs. Cooper, a Deputy Commissioner of Police and the Commissioner of Police. So the European representatives are four in number. The Indian representatives are one representative of the Calcutta Corporation, one representative of the Education Department, the Director of Public Instruction, one Indian lady, the Vice-Chancellor of the Calcutta University and two other Indian gentlemen. So, actually there are six Indians, as against four Europeans.

Then, Sir, as far as the films are concerned, they are very strictly censored, and therefore I have no hesitation in accepting the resolution. I claim, Sir, that actually the censoring here is as strict, if not stricter, than what it is in any other province in India. As regards the allegation that films that are not passed in America are allowed to be shown in India, that is, Sir, such a gross libel and shows so much ignorance of the actual state of affairs that I am surprised that a responsible member of this House should utter it.

Rai KESHAB CHANDRA BANERJEE Bahadur: That is not my opinion; that is the opinion of experts.

The Hon'ble Khwaja Sir NAZIMUDDIN: Our Board of Censors scrutinises every film very strictly, and during the last three years I have not seen any criticism of any film in any of the newspapers here. If there has been any criticism it has been because a certain film was banned which it thought the Board ought not to have done. There has been criticism about one or two films on the ground that they do not depict Indian character properly or depict Indian character in a manner which is not worthy or advisable. Those films were banned. Therefore, Sir, I just want to state very briefly that I believe there is no substance in the allegation that films are not properly censored. In fact, they are very strictly censored. We have received no complaints before this on this subject, and as far as the policy of Government is concerned it is absolutely in consonance with the spirit of the resolution of strict control over all films.

Rai KESHAB CHANDRA BANERJEE Bahadur: Mr. President, Sir, in the first place, I would like to state that I have no objection to the amendment of Maulana Akram Khan being accepted, as the deletion of the words "in the newspapers" would make the resolution more wide and would include all manner of advertisements.

Secondly, I should like to say a few words in reply to the remarks which the Hon'ble the Home Member has made. He has said that there is absolutely no foundation for the opinion that censoring in Bengal leaves much to be desired. I have not stated my own opinion but the opinion of experts. As a man of ordinary commonsense and as one who has been in touch with the public life of Bengal for a pretty long time, I have said what the public feel and feel very strongly on the matter. It has been pointed out that European experts have also given expression—unqualified expression—to their considered views that the censoring is not what it should be. This led to the appointment of the Indian Cinematograph Committee in 1927. The Committee, after examining a large number of witnesses and going through the whole question, made certain recommendations which were ultimately accepted by Government. But it is to be regretted that the situation remains the same even after a decade.

Then, Sir, with regard to the composition of the Bengal Board of Censors, I have mentioned what is provided in the Act and in the report of the Indian Cinematograph Committee, 1927-28 (page 107, paragraph 229). I do not know whether the Act has been subsequently amended so as to include the Vice-Chancellor of Calcutta University and other persons. If that has been done, well and good.

I cannot conclude without referring to the cheap jibe in which the Hon'ble Home Minister has indulged. He has tried to be

humorous at my expense, but unfortunately for him the humour has lost its charm. He has not been able to expose the hollowness of my contention. The sarcastic remark that "if such a resolution was moved in a European country, the mover would have been considered a crank" is devoid of any originality. True it is that the Westerners would not have appreciated a resolution like this. I have clearly demonstrated the ideological difference in the conception of morality between an Indian and an westerner and that answers Sir Nazimuddin's humour. Probably the atmosphere in which the Hon'ble Minister received his early "education" in England is responsible for his warped mentality.

I have nothing further to add but to commend the resolution, as amended, to the acceptance of the House.

Mr. PRESIDENT: The resolution before the House is: that this Council is of opinion that the Bengal Board of Film Censors should exercise stricter control in regard to films and the publication of film pictures in the newspapers which might have the effect of inculcating immoral ideas in the minds of young boys and girls.

Since then, an amendment has been moved that in the third line, the words "in the newspapers" be omitted. The question before the House is that the amendment be made.

(The motion was agreed to.)

The question before the House is: that this Council is of opinion that the Bengal Board of Film Censors should exercise stricter control in regard to films and the publication of film pictures which might have the effect of inculcating immoral ideas in the minds of young boys and girls.

(The motion was agreed to.)

Khan Bahadur ATAUR RAHMAN: Sir, Resolution No. 4 and Resolution No. 21, which is also practically the same, stand in my name. If you will permit me, Sir, I can move both the resolutions. The substance of the resolutions is practically the same.

Mr. PRESIDENT: That will not be in proper form. You may ask any of your friends to move it as an amendment.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move: that this Council is of opinion that an expert from Japan be invited by the Government to investigate into the cause of such poor outturn of paddy here and train Bengal peasants in the improved method employed by Japanese cultivators.

Sir, Government figures will show that our produce is gradually going down from 1906-07 to 1935-36. It was 1,234 lbs. per acre in 1906-07 and in 1935-36 it was only 765 lbs., whereas in Japan at

present the outturn is about 3,000 lbs. per acre and only a few years ago Japan's produce was not better than what it is now in Bengal. They have—by what methods I do not know—improved their agriculture to such an extent that they are getting about three times as much produce as we are getting in Bengal. So, it is quite possible that they will be able to help us and train our cultivators. We must find out what are the methods by which we can improve our cultivation. With this object in view, I beg to move this resolution for acceptance by the House and the Hon'ble Minister.

Mr. PRESIDENT: Resolution moved: This Council is of opinion that an expert from Japan be invited by the Government to investigate into the cause of such poor outturn of paddy here and train Bengal peasants in the improved method employed by Japanese cultivators.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the resolution which has been just moved by Khan Bahadur Ataur Rahman. In doing so, I have only to quote a few figures to show how very necessary it is to improve the yield of our country in order to improve the economic condition of the agriculturists. Millions of our agriculturists are half-fed and half-starved. From the statistics which have been collected and of which I am in possession, I find the average area in the possession of an agricultural family in Bengal is 4.4 acres, but it is an accepted proposition that an economic area is at least 5 acres. Although the average is 4.4 acres, as many as 62 per cent. of the population hold less than 4 acres, and 41.9 per cent. of the population hold less than 2 acres. Even in the case of those who hold 4 acres, the experts say that their holding is uneconomic. When such is the case it may be easily imagined what will be the condition of those who hold 2 acres or even less. The only way and the best way of improving their economic condition is to devise means by which the yield of their lands may be increased substantially. Government has been trying to increase the yield for so long and the Agricultural Department is doing its very best. So far as I know, the Agricultural Department also admit that all that they can do is that if improved seeds are accepted and are introduced in all the lands, they can increase the yield only by 5 per cent. That is not at all an appreciable increase. We want the increase to be substantial in order that the people may have their *dal-bhat* problem really solved. In Japan, from the statistics just quoted by my friend, we find that 2,900 lbs. is the usual out-turn, whereas here, it is only 765 lbs. Even in China, the yield is about 40 maunds. According to the Government statistics, it is 18 maunds here but according to our experience it is not more than 15 maunds. It will be criminal and a sin not to do anything to increase the yield of paddy in this country, knowing the poverty of our people and knowing at the same time that there are other countries which

grow paddy and which grow 3 times the amount of paddy per acre that is grown in Bengal. Bengal is said to be proverbially very fertile. But how is it that in this fertile province we cannot grow more than half of what is grown in China or one-third of what is grown in Japan? Therefore, it is absolutely necessary that we should seriously consider why the yield in other countries is so high and the yield in our country is so low. Therefore, the resolution is moved that an expert be brought from Japan in order to show us their methods of cultivation so that our cultivators may benefit by introducing them.

Sir, with your permission, I wish to move an amendment. Instead of bringing an expert from Japan, we may send experts from here for enquiring into the Japanese methods and coming back with facts and figures, so that we may be able to introduce those methods here in Bengal. If my amendment is accepted, the resolution will read as follows:—

This Council is of opinion that an expert or experts from here be sent to Japan to investigate into the cause of such poor outturn of paddy here and train Bengal peasants in the improved method employed by Japanese cultivators.

With these remarks, I commend the amended resolution for the acceptance of the House.

Mr. PRESIDENT: Amendment moved: That for the words “an expert from Japan be invited” the following words be substituted—“an expert or experts from here be sent to Japan”.

Mr. H. G. C. MACKAY: Sir, we have heard the reasons in support of the resolution moved by Khan Bahadur Ataur Rahman, and I cannot help but feel that full credit has not been given to the recommendations of the Enquiry Committee whose report on Bengal paddy and rice has very recently been published by the Department of Agriculture. That Committee was primarily set up to investigate the problem of improving the price of paddy in so far as this factor affects the margin of profit to the grower.

It is significant, however, that the Committee has thought fit to exceed its terms of reference and to devote a certain portion of its report to the basic and important question of increasing the quantity and the quality of paddy grown in this Province, and the report indicates the means by which this end might be achieved.

That Committee levels some criticism at the Department of Agriculture, in that their work to date has in certain directions been inadequate, and even perfunctory, but their criticism is qualified by the acknowledgment that the department has hitherto been lacking in organisation, a deficiency brought about by a paucity of funds.

I shall probably not be far out if I say that the report—in its reference to paddy cultivation—does not provide news for the Department of Agriculture.

I have little doubt too that the lines along which that department are working are not at variance with the finding of the Committee.

If this is so, it remains only to find a means whereby the Department of Agriculture can more rapidly extend the scope of its activities.

There is no shadow of doubt that there is considerable room for improvement in the yield per acre of rice in this Province. I have not seen any recent figures, but the records of just a few years ago are illuminating. Reducing the crop per acre in Bengal to a unit of 1, we find that the unit in the United States of America is $2\frac{1}{2}$, in Japan $3\frac{1}{2}$, in Italy $5\frac{1}{2}$ and in Spain as much as $6\frac{1}{2}$ —compared with Bengal's 1.

If it is agreed therefore that it is necessary, or even desirable, to seek the assistance of an expert from Japan or to send our expert there, the figures I have just given to you might well argue that Japan itself still has a lot to learn in the cultivation of paddy; but I do not hold that these figures have any real significance unless one has a knowledge of the extent to which nature and science have separately made their contributions to the results indicated.

I maintain therefore that it would be more practical for an expert from Bengal to study conditions in a country having a high unit of production than it would be for an expert from outside India to investigate conditions in Bengal.

To my mind, however, it would be both premature and unfair, either to call in or send out an expert, until the Department of Agriculture has been afforded a proper opportunity of proving itself, and it seems that it cannot do so until it is sufficiently supplied with funds.

I do not deny that benefit is likely to be obtained by deputing an expert to study rice cultivation outside India, but I do feel that the expenditure which would be incurred should be reserved and that the attention of the Government should be directed towards the more rapid development of the Agricultural Department. In the light of these remarks, I beg to oppose the resolution.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. President, Sir, I am thankful to my friend, Khan Bahadur Ataur Rahman, for drawing the attention of Government to this important matter. It is not that Government has not been alive to this matter already. This is a very simple and fundamental question, and it has been engaging the attention of Government for a very long time. Yet the reiteration of an important matter like this has its own usefulness and from that point of view, I think that Khan Bahadur Ataur Rahman has done a service

by drawing the attention not only of Government but of the House and the public outside to this question. In fact, he saw me over this question sometime ago, and we had a frank discussion over this.

It will be well to remember that the conditions in Bengal are peculiar in certain respects, and as far as I know the conditions in Japan are different in many ways from those prevailing in Bengal. The natural conditions prevailing in Japan cannot be transported from there to Bengal. But there are certain other conditions, namely, the means and method of cultivation they employ. It may be of use to apply our mind to that and to investigate whether those can be usefully and profitably employed in Bengal also.

We know, Sir, that Japan has been using scientific methods to a far larger extent than we have been able to do hitherto. They make extensive use of human excreta. They also make extensive use of other fertilisers. We have not been able to do so to that extent. But we should also not forget that the use of fertilisers can be made to an extent where it has led to diminishing returns gradually and in Japan I hear they have reached the limit. The cost of production there has increased to such an extent that the cultivators there, I hear, are not making that amount of profit which they had been making sometime ago. Therefore, there has to be a limit to the use of fertilisers also. One fact seems to be rather interesting. In spite of all the improved methods that Japan employs, Japan is not able to produce enough for its own consumption. Japan also imports rice from other countries. As far as figures are available, during the quinquennium ending 1937-38, Japan imported as much rice from elsewhere as the whole of India did during the same period. However, there is no gainsaying the fact that Japan is far more advanced scientifically than Bengal.

There is also another great drawback. In spite of all our good wishes, we have not been able to make primary education free and compulsory in Bengal. That is a very great factor. You know, Sir, that our cultivators are very conservative, and naturally so. I think cultivators in all countries are conservative. If the conservatism of these illiterate people has to be broken, they have to be given a very liberal education. So far as Bengal is concerned, we have not been able even to give them the elements of education. Therefore, it is not to be expected that scientific method can be employed in Bengal with that ease with which it can be employed in Japan or Holland or other advanced agricultural countries.

My honourable friend, Mr. Mackay, has drawn attention to the fact that the Paddy Enquiry Committee had been recently sitting and they have just submitted their report. The report has not yet been examined by Government; it is under examination. Government will have to take steps after the recommendations of that committee have been examined. But I think, Sir, this matter is of very vital importance. Paddy, to my mind, is the most important crop of Bengal, and

the out-turn is obviously very low. Therefore, if by some means we can increase the out-turn, it will be of great service not only to the poor peasants of Bengal but to the country as a whole. Therefore, Sir, I think we should not throw away any useful suggestion that may be given to Government for investigating into matters with a view to find out if the yield of paddy in Bengal can be increased. I accept the suggestion of my honourable friend that we may usefully send an expert from here to Japan. An expert from here to Japan will be more useful than the importing of a Japanese expert to Bengal, because if we send a man from here who is conversant with the conditions prevailing in Bengal, it will be easier for him to make a comparative study of the conditions of the two countries, and when he comes back he will be an asset to us for the whole of his normal career. I think, therefore, that this resolution, in the amended form, may be accepted.

Mr. KADER BAKSH: Sir, I have consulted both the Khan Bahadurs who are sitting just to my right. My amendment does not change the character of the resolution but it makes it more clear. I want to put in the words "high out-turn of paddy there", in place of the words "poor out-turn of paddy here", in lines 2 and 3 of the resolution. It will make the resolution more clear. I have consulted both of them and they have accepted my amendment.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is only a change of phraseology and language, Sir.

Khan Bahadur ATAUR RAHMAN: Sir, I accept the amendment.

Mr. PRESIDENT: Order, order. The original resolution was: "This Council is of opinion that an expert from Japan be invited by the Government to investigate into the cause of such poor outturn of paddy here and train Bengal peasants in the improved method employed by Japanese cultivators".

Two amendments to this resolution have since been moved—one by Khan Bahadur Saiyed Muazzamuddin Hosain which wants to substitute the words "an expert or experts from here be sent to Japan" in place of the words "an expert from Japan be invited; and the other by Mr. Kader Baksh to the effect that the words "high out-turn of paddy there" be substituted in place of the words "poor out-turn of paddy here".

Now, the question before the House that the amendments be made.

(The question was agreed to.)

MR. PRESIDENT: The question before the House is the resolution as amended, namely, that this Council is of opinion that an expert or experts from here be sent to Japan by the Government to investigate into the cause of such high out-turn of paddy there and train Bengal peasants in the improved method employed by Japanese cultivators.

The resolution as amended was agreed to.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 27th November, 1939.

Members Absent.

The following members were absent from the meeting held on the 24th November, 1939:—

- (1) Mr. Nur Ahmed.
- (2) Khan Bahadur Rezzukul Haider Chowdhury.
- (3) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (4) Dr. Radhakumud Mookerji.
- (5) Rai Bahadur Satis Chandra Mukherji.
- (6) Khan Bahadur Mukleswar Rahaman.
- (7) Khan Bahadur Kazi Abdur Rashid.
- (8) Mr. J. B. Ross.
- (9) Mr. Krishna Chandra Roy Chowdhury.
- (10) Rai Sahib, Jatindra Mohan Sen.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 27th November, 1937, at 2-15 p.m. being the third day of the Third Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Recruitment of Secretariat clerks.

19. Rai Bahadur MANMATHA NATH BOSE (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether recruitment for the posts of Secretariat clerks, both in the Upper and Lower Divisions, is made by competitive examinations held by the Public Service Commission of Bengal? If so, will he be pleased to state whether the subjects of examination for the recruitment of such clerks have been prescribed in consultation with the different administrative departments for whom such recruitments are made?

(b) Is he aware that the subjects that are being examined, are practically of no use for the departments concerned?

(c) Is he aware that men to be recruited for such services must be conversant with indexing, recording, precis-writing and drafting, proof-reading and proof-correction? If so, will he be pleased to state whether any questions on these subjects are set by the Public Service Commission for testing the efficiency of the candidates for being recruited as clerks of the Secretariat Departments?

(d) Is he aware that most of those subjects have been made compulsory in the examination held by the Federal Public Service Commission for recruiting assistants in the Imperial Secretariat of the Government of India?

The Hon'ble Sir BIJOY PRASAD SINCH ROY (on behalf of the Hon'ble Mr. Nalini Ranjan Sarker): (a) Yes. The subjects of examination have been prescribed in consultation with the Public Service Commission, Bengal, as required under clause (a) of

sub-section (3) of section 266 of the Government of India Act, 1935, and rule 2(i) (c) of the Rules to regulate the manner in which the duties of the Public Service Commission should be performed.

(b) and (c) The examination is not designed to secure persons who are already trained in Secretariat work but persons whose general education and intelligence give ground for the expectation that they will make efficient clerks. Precise writing is one of the subjects prescribed for the clerkship examination.

(d) I understand that the syllabus for the examination held for recruiting assistants in the Imperial Secretariat of the Government of India does not differ materially from the syllabus of our clerkship examination. The only additional subject prescribed for the former is drafting. Indexing, recording, proof-reading and proof-correction do not appear in the syllabus of either of the two examinations.

Bonus for settlement kanungos.

20. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Will the Hon'ble Minister in charge of the Revenue Department kindly state whether the question of giving bonus to the settlement kanungos at the time of their retirement has been considered?

(b) What is the final decision of Government on the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy:) (a) Yes.

(b) Under the Government orders issued in 1935, settlement kanungos, who retired or were discharged on or after the 4th September, 1935, or were alive on that date after retirement or discharge before that date, were granted a gratuity of Rs. 100 for every year of service up to the 28th February, 1925, plus a gratuity of Rs. 25 for every year of service thereafter. Government have since decided to grant those kanungos, who had been prematurely discharged due to the reduction of the programme of work, an additional gratuity equivalent to the difference between the gratuity they are entitled to under the orders of 1935 and the gratuity they would have been entitled to if they had been retained in service up to the age of 55, subject to the proviso that the additional gratuity should not exceed the gratuity earnable by an additional 5 years' service.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that it was only on the definite understanding that the whole question of bonus to the kanungos should be more sympathetically reconsidered that the resolution about remuneration to the kanungos of one month's pay for every year of service was withdrawn?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: How is it then that the question has not at all been sympathetically considered? It is only the question of those who have been prematurely retired that has been reconsidered? The question of others who retired ordinarily has not at all been considered?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Government considered the whole question, if I may say so, sympathetically and came to this conclusion. Of course, the honourable member is entitled to put his own interpretation.

Khan Bahadur NAZIRUDDIN AHMAD: Is it not a fact that a Committee was appointed to go into the whole question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Epidemic of cattle disease.

21. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Is the Hon'ble Minister in charge of the Revenue Department aware that there was a serious epidemic of cattle disease in Ashtagram thana of Mymensingh district?

(b) Is he aware that cattle worth nearly a lakh of rupees died of epidemic during the current year?

(c) Is he aware that money-lenders having stopped giving loans, cultivators of this thana are in great difficulty in replacing their dead cattle?

(d) Does the Government propose to grant agricultural loans liberally in this area with the least possible delay to help the agriculturists to replenish their cattle wealth?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes. Such epidemic breaks out almost every year after the rains.

(b) No. The loss is estimated between Rs. 20,000 and Rs. 30,000 only.

(c) Yes.

(d) A sum of Rs. 45,000 has already been allotted to the Subdivisional Officer, Kishoreganj, for distribution amongst the agriculturists of this area for the purchase of cattle.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that in the northern fields of Ashtagram alone 400 buffaloes worth Rs. 40,000 died of epidemic?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not our information. I would refer the honourable member to the answer to question (b).

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does the Hon'ble Minister mean to say that there was no abnormal epidemic this year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that doctors were sent there months after the epidemic had stopped, to give injections?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I have stated, every year epidemic breaks out after the rains. Sir, it is all a question of degree. Perhaps it was slightly more serious this time than in previous years but it was nothing abnormal; that is what I maintain.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are we to take it that the Hon'ble Minister does not keep proper information of these things?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I entirely repudiate the suggestion that the Government does not keep any information. Rs. 45,000 has been sanctioned, and I hope the honourable member does not assume that the money has been sanctioned without information.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is Rs. 45,000 sanctioned every year normally? Or is it only this year that this amount has been sanctioned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the money that is required by the agriculturists depends on their condition in a particular year and it may vary from year to year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But it is definitely stated in answer (u) that this amount has been allotted

through the Subdivisional Officer, Kishoreganj, for distribution amongst the agriculturists of this area for the purchase of cattle and not for other things.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It was necessary this year for that purpose and it might not have been necessary in the past.

Land Revenue Commission.

22. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that Sir Francis Floud, Chairman of the Land Revenue Commission, Bengal, has intimated to the Government of Bengal his inability, on account of the war, to come to India from England to resume the work of the Commission? If so, what is his inability due to? Has he joined the colours?

(b) Since his appointment as Chairman, how much money did Sir Francis Floud draw on all heads? Had he to be paid also for his journey to England?

(c) Is it a fact that there was an insistent demand for a capable Indian Chairman for the Commission before Sir Francis Floud was appointed?

(d) When is the Government going to replace him and by whom? Does the Government propose to appoint an Indian in his place?

(e) When is the Land Revenue Commission going to sit again and when is it expected to finish its labours? How many sittings had it so far and how many places and what places had it visited so far?

(f) What has been the total expenditure so far incurred by the Government for this Commission? And what is the Government's estimate of the likely costs for this Commission?

(g) Is it intended to nominate three more members to this Commission? Is it true that one Namashudra and two Muslim members will be added to it?

(h) Does Government propose to take the sense of the Legislatures if this Commission, or further addition of any members to this Commission, is any more wanted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) No.

(b) Rs. 36,157-12-10 including his passage money to England.

(c) There was a demand from some quarters to this effect.

(d) and (h) Do not arise.

(e) The last sitting of the Commission took place on the 16th November, 1939, and it is expected that its labours will be finished by April next. Last season there were altogether 43 sittings of the Commission at Calcutta and they toured the district of Mymensingh and the Province of Madras and are now on tour in the Punjab.

(f) The expenditure incurred up to September, 1939, amounts to Rs. 1,08,356 and the ultimate expenditure is estimated at Rs. 3,31,368.

(g) Yes. The appointments have been published already.

Promotion of clerks in the Burdwan Collectorate.

23. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:

(a) Will the Hon'ble Minister in charge of the Revenue Department kindly state whether some interpolations were made in the Gradation List of clerks in the Burdwan Collectorate whereby the name of a lower grade clerk was placed higher up without any authority?

(b) Is it a fact that the Collector of Burdwan took no action when the fact of such interpolation was brought to his notice?

(c) Is it a fact that an appeal was preferred by the persons adversely affected by such interpolation and the Commissioner ordered the Gradation List to be recast showing each clerk's name in its proper place? Was the said order of the Commissioner upheld by the Board of Revenue?

(d) Is it a fact that in spite of the finding of the Commissioner and the Board that there are unauthorised entries in the Gradation List, no step has been taken to find out the persons responsible for such entries and that no punishment was inflicted on anyone?

(e) Do the Government propose to order a sifting enquiry in the matter with a view to punish the person or persons responsible for such interpolation?

The Hon'ble Sir BIJOY PRASAD SINGH RÖY: (a) On the orders of the Office Superintendent, a correction was made in the list of names by taking into account the probationary periods of clerks.

(b) The Collector considered that the action of the Office Superintendent was correct and so refused to interfere with it.

(c) There was an appeal before the Commissioner against the inclusion of the probationary periods towards the length of service of a clerk. The Gradation List was ordered to be recast by the Commissioner excluding the probationary periods.

There was an appeal to the Board, but the Commissioner's order being final, the appeal was withheld by the Commissioner.

(d) The Commissioner remarked on the unauthorised correction in the list by the Office Superintendent, but passed no order about punishment. The correction was made in 1933 and the Office Superintendent, who ordered the correction, left the district long ago. No *mala fide* intention was found. As none else was responsible for the correction, no action was needed.

(e) No.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Office Superintendent competent to make corrections without written orders from the Collector?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: The Collector did not take an exception to it. So, I assume that an Office Superintendent is competent.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It appears that the Commissioner held that the correction was unauthorised. What does "unauthorised" mean?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: "Unauthorised" means that he should not have included the probationary period.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does it not mean that he had no authority to make changes?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: No. What the Commissioner did was to exclude the probationary period. He did not take an exception to the corrections actually made.

Khan Bahadur NAZIRUDDIN AHMAD: Is it not a fact that the Commissioner found that the correction was unauthorised?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: That is what has been stated.

Khan Bahadur NAZIRUDDIN AHMAD: If it is unauthorised, is it reconcilable with answer (a) that the correction was proper?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: As I just explained, "unauthorised" means that the inclusion of the probationary period was unauthorised. Only on that point it was unauthorised.

Khan Bahadur ATAUR RAHMAN: In the reply to paragraph (d), it is stated that the Superintendent left the district long ago. Did he die or did he retire from Government service so that no action was taken or has he been transferred?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It happened in 1933 as it would appear from the reply and certainly the previous Government did not think it necessary to take any action. I do not think that the present Government can answer why the previous Government did not take any action on this point.

Khan Bahadur NAZIRUDDIN AHMAD: With regard to answer (b), how long after the unauthorised correction was made did the Collector refuse to interfere?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Promotions for filling up leave vacancies in the Burdwan Collectorate.

24. Khan Bahadur ATAUR RAHMAN: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it was the usual practice in the past to fill up the leave vacancy in a superior grade occurring in any section of the Burdwan Collectorate from the senior men of the same section?

(b) If the reply to part (a) be in the affirmative, will the Hon'ble Minister be pleased to state whether this principle is being deviated from by the present Collector?

(c) If so, in how many cases has such departure been made?

(d) What are the circumstances for such deviation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) No. There was no definite practice. On the contrary it appears that the best available man was promoted, except when the leave was for a very short period.

(b) to (d) Do not arise.

Debt Settlement Boards.

25. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(a) whether the establishment of Debt Settlement Boards have proved an utter failure in bringing about economic rehabilitation of the agriculturists;

- (b) whether it is a fact that these Boards have killed rural credit in Bengal; and whether the Government is aware that the agriculturists find it extremely difficult to get money in the mufassil to meet the needs of their cultivation owing to the operation of the Agricultural Debtors Act;
- (c) how many ordinary and special Debt Settlement Boards are now at work in Bengal, and whether many cases were instituted before them and how many of the cases they have so far disposed of;
- (d) whether it is a fact that instalments are allowed in many cases extending up to 20 years or more;
- (e) what is the total sum of money for payment of which these Boards have so far given awards and what was the total amount of the creditors' claims;
- (f) whether there is any adequate machinery and sufficient authority given to these Boards for realising the awarded money for the creditors;
- (g) whether it is a fact that these awards remain awards without realisation and that settlement is really taken by the debtors as a wiping off of their debts;
- (h) whether these Debt Settlement Boards have got authority to try and dispose of debts under usufructuary Mortgage Boards;
- (i) whether Government is aware that it was found in many cases that these Boards entertained such cases which the Appellate Court found they had no jurisdiction to try;
- (j) whether it is a fact that most members of the Debt Settlement Boards do not know anything of elementary law;
- (k) whether Government proposes to transfer the work of the Debt Settlement Boards to the Civil Courts;
- (l) whether Government is aware that some Debt Settlement Boards, with a view to avoiding appeals against their decisions, falsely note in their orders that the awards have been given on a compromise between the parties in the suit;
- (m) whether the Government proposes to take steps to prevent such things;
- (n) if the answer to part (l) be in the negative, whether the Government proposes to make an enquiry in the district of Tippera in the Special officer's court and in special courts of other districts to satisfy itself of the truth of the allegation; and
- (o) when is the Agricultural Debtors Act due to expire and whether it is the intention of Government to give it a further lease of life?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick: Full details and figures asked for are not immediately available; these are being collected and the hon'ble member will be informed as soon as the information is ready.

Mr. LALIT CHANDRA DAS: When did the Hon'ble Minister receive notice of this question?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It was received on the 10th of November last.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state when the details and figures asked for in this question would be made available to this House?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult to give a definite date, but I have said that full details and figures which the question requires would be collected as soon as possible and supplied to the House.

Mr. LALIT CHANDRA DAS: Will these figures be available this session?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I hope so, Sir.

The Bengal Money-lenders Bill, 1939.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Bengal Money-lenders Bill, 1939, be taken into consideration. I do not like to deliver any long speech explaining why this Bill should now be considered by the House. The subject has been before the public for more than two years and it has already been considered by the Lower House which took about three months' time to pass it. Sir, the country has been insistent in demanding that this measure should now be passed without delay. Any delaying move, I believe, will be resented by the people at large. I would, therefore, request my friends in this House to see that the Bill is passed as early as possible.

Mr. PRESIDENT: May I take it that previous sanction of the Governor has been obtained?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, Sir.

Mr. PRESIDENT: Motion moved: that the Bengal Money-lenders Bill, 1939, be taken into consideration.

Rai SATIS CHANDRA MUKHERJI Bahadur: Sir, may I add some formal words to the amendment which stands in my name? I want to say that in view of the abnormal world condition, brought about by the European war, the consideration of the Bill and the debate in respect of the Bill be adjourned. I want to introduce the words "debate in respect of the Bill be adjourned".

Mr. PRESIDENT: I want to be satisfied as to how your motion is in order. You want that in view of the present world situation, the consideration of the Bill be held up; is it not?

Rai SATISH CHANDRA MUKHERJI Bahadur: Instead of the words "held up", I want to introduce the word "adjourned".

Mr. PRESIDENT: I am sorry, I have to rule your motion out of order because, an amendment having a negative effect cannot be allowed to be moved.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that the Bengal Money-lenders Bill, 1939, be circulated for the purpose of eliciting opinion thereon.

Mr. PRESIDENT: The honourable member in his motion has given no date by which opinion is to be elicited. Rule 53(2)(a) of the Bengal Legislative Council Procedure Rules says—"be circulated for the purpose of eliciting opinion thereon before a date to be mentioned in the motion". You have given no date; so your motion is also out of order.

The same objection applies to the circulation motion of Rai Satis Chandra Mukherji Bahadur. He also has given no date. His motion runs as follows: That the Bill be circulated for the purpose of eliciting opinion thereon. So, this too is out of order.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I have not got a copy of the Order Paper. However, I do not wish to move the amendment which stands against my name.

Mr. PRESIDENT: Your amendment also would have been out of order, because in it the quorum has been fixed at 16. According to section 66 of the Government of India Act, 1935, the quorum should be fixed at 10.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:
 Mr. President, Sir, I beg to move that the Bill be referred to a Committee of the whole Chamber with instructions to submit their report by the 31st of January, 1940.

Sir, the procedure that I am going to propose is a new one. It has not been introduced not only in this Chamber but I think in any Legislature in India. This has been adopted from the procedure followed in the British Parliament. So long we have followed the procedure, namely, to send a Bill for eliciting public opinion or for referring it to a select committee, but my proposal is that the Bill be referred to a Committee of the whole Chamber. That means that the whole House should consider the Bill according to the Committee procedure.

Sir, there is one advantage in the procedure that I have proposed in my motion, namely, that the House can freely discuss the matter. Formal discussion in the House entails several hindrances, namely, that a speaker cannot speak more than once and he cannot move any amendment that he may wish to do, but if the Bill is referred to a Committee of the whole House, then any member can speak once, twice or several times, and there are also other advantages. After the discussion is over and after the report of the committee is submitted, the House will take only a few hours to dispose of the Bill. That is another advantage.

Further, on several occasions, the report of the select committee has been found to be useless. There were occasions when the House had thoroughly altered the character of the Bill as recommended by the select committee. And thus all the recommendations, labour and money that had been spent went for nothing. On the other hand, if the Bill be referred to a Committee of the whole House, there will be no cause for anxiety on that point, and our labour will not be wasted in that way. If one looks at the present Bill which has been passed by the Assembly, one would find that the Bill that had been recommended by the select committee had been so altered that it is very difficult for one to recognise the Bill itself. Thus, their labour and energy had been wasted away. Sir, I do not want to go into the details or merits of the Bill, but I think there are very important points which require the considered opinion of the whole House and which require minute and detailed examination. For example, the first point to which I want to draw the attention of the House is that retrospective effect has been given to the provisions of the Bill. It is, Sir, against all accepted maxims of jurisprudence and law. When a legislature passes any measure, it should take special care that it does not upset the settled law and also the contracts under the law that was in force and in obedience to which the people have deliberately and voluntarily made agreements which they have solemnly undertaken to fulfil. If the sanctity of a contract be violated, a large number of transactions, in

fact innumerable in number, will be swept away by the proviso of the proposed Bill and it will create a havoc amongst the creditors and borrowers and give rise to numerous litigations.

The second point to which I wish to draw the attention of the House is the provision about the re-opening of final decrees made in civil courts. That is, Sir, most dangerous. I do not know if the provincial Legislature has the power to do so. I think that it is only the Central Legislature which can do so. However, I am not a lawyer and so I cannot deal with this matter, but I find that this is also a question which requires more attention of the House.

Thirdly, Sir, in the Bill as passed by the Assembly, compulsory registration has been provided for. In other provinces, e.g., Madras, the United Provinces, Sind, Assam and Bihar, they have passed similar Bills about money-lending, but they have not introduced any clause regarding compulsory registration. But here a new method of compulsory registration has been provided for. This also requires our best attention.

Fourthly, Sir, I submit it is not justifiable to make an invidious distinction between banks and banks and one credit institution and another. There should be uniformity in law and no distinction should be made in that sphere.

Lastly, under the provision of the Bill, if a creditor fails to prove his case, his certificate will be cancelled and thereby all other transactions will be deemed to be null and void. This is unfair, unjust and against all principles of law and equity.

With these words, Sir, I commend my motion to the acceptance of this House.

Mr. PRESIDENT: Motion moved: that the Bengal Money-lenders Bill, 1939, be referred to a Committee of the whole Chamber with instructions to submit their report by the 31st of January, 1940.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I rise to oppose the motion. The reasons which my friend the Raja Bahadur has given in support of his amendment are exactly the reasons that prompt me to oppose it. He says that if the matter is referred to a Committee of the whole House, it will not be bothered by any Rules of Procedure; they can do whatever they like. All the members will be assembled in one place and then do exactly what is done in a large House without any rule. So, the difference between him and myself is this that in my opinion we should be guided by certain rules of procedure and there should be cut and dried amendments which everybody must know beforehand and then fight over them before coming to some conclusion. But if the idea of my friend, the Raja Bahadur, is that all these formalities which have been adopted

in the past and which are being adopted everywhere are to be given the go-by, then I do not know how work can be done constitutionally. So, I hope, my friend will consider my point of view and withdraw the motion that he has moved. What I actually ask the honourable members of this Council to think of is this: this is a very big Bill and unless the amendments are actually tabled after full consideration of the motions, there is no hope of our considering and passing a measure of this nature. So, I hope, my friend, the Raja Bahadur, will withdraw his motion.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, in view of what the Hon'ble Minister has said, I beg leave of the House to withdraw my motion.

Mr. PRESIDENT: I am to enquire if the House has any objection to leave being granted to the withdrawal of the motion.

(Cries of "no objection".)

The motion was then, by leave of the House, withdrawn.

Mr. PRESIDENT: Before I put the motion to the House, I must be satisfied that the *previous sanction* of the Governor in his discretion has been obtained. Under section 299(3) of the Government of India Act, 1935, "no Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or *modification of rights therein*, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion." So, I must be satisfied before the matter is placed before the House that the previous sanction of the Governor in his discretion has been obtained.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: If you want to be satisfied fully, Sir, I will have to bring in the entire files of the last three years.

Mr. PRESIDENT: But you have not answered my query as to whether the *previous sanction* of the Governor in his discretion has been obtained?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, this is not a Bill introduced by a third party. This is a Bill which has emanated from Government and from the Governor himself. If I have to explain the procedure that has been adopted by the Government for bringing in a Bill of this kind, I must say that I shall have to start from the very beginning. I may explain to the Hon'ble President that this Bill originated from the Government and from His

Excellency the late Lord Brabourne. This Bill is the outcome of a Bill introduced in the Lower House, and it was then discussed in the Cabinet where the Governor himself was present

Mr. PRESIDENT: My difficulty is exactly there. I know that the Government has brought in this Bill. But the Government of India Act, 1935, says that no Bill of this nature shall be introduced in any Chamber of a Provincial Legislature without the *previous sanction* of the Governor in his discretion. I hope the Hon'ble Minister will understand the distinction between Government, the Governor and the Governor acting in his discretion. It is binding on the President, before he allows the motion to be put before the House, to see that no motion relating to a Bill of this nature is moved or introduced in this Council without the previous sanction of the Governor. Under the Governor's Rules also, I am bound to send this Bill for his previous sanction. They leave no option with me. Rule 6 of the Governor's Rules says:—

- (1) "If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the President, cannot be introduced or moved save with previous sanction, unless such previous sanction has been intimated to him, the President shall, as soon as may be, after the receipt of the notice, refer the Bill or the amendment to the Governor, and the motion shall not be placed in the list of business unless the Governor has indicated to the President that the previous sanction required has been granted."
- (2) "If in the opinion of the President any question arises whether a Bill or amendment thereto is or is not a Bill or amendment which cannot be introduced or moved save with the previous sanction, he shall refer the question to the Governor, and the decision of the authority which would have the power to grant the previous sanction, if it were necessary, shall be final."

I think the Hon'ble Minister has failed to notice the distinction between terms "the Governor" and "the Governor acting in his discretion."

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:

Sir, when the Government brings in a Bill, it is with the Governor's own permission and consent. We are not permitted to bring in a Bill on our own initiative, and that is why in every matter we say that "on the recommendation of His Excellency the Governor I move this." This is the usual formula. However, as the Hon'ble President wants the order in writing from His Excellency, if he will give me just one hour's time, I will bring that.

Mr. PRESIDENT: Let there be no misapprehension. The Hon'ble Minister in reply to my query told me that the *previous sanction* of the Governor had been obtained. Otherwise, I would have precluded any discussion on his motion in this House. The House, I am sure, has realised the point that the Governor in his discretion must give his sanction in certain important matters which are specifically reserved for the exercise by His Excellency of his discretionary powers, but I am afraid that the Hon'ble Minister has not appreciated the point that I want him to consider. He may now go and get the consent of the Governor. But that is a different thing. The point is—has he got the *previous sanction* of the Governor as contemplated under the section?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, Sir.

Mr. PRESIDENT: Then, I take it that the sanction had been obtained before the motion for introduction of this Bill was made.

However, I adjourn the meeting for half an hour to enable the Hon'ble Minister to bring the necessary papers showing the previous sanction of the Governor in his discretion in regard to the motion which he made in the House to-day.

After adjournment.

Mr. PRESIDENT: Order, order. It seems that the Hon'ble Minister has not been able to come back with the papers. In my mind I have no doubt that the *previous sanction*, as the Hon'ble Minister assured us, must have been obtained. It is not a mere formality that I am insisting on being observed. It is a duty which is imposed on me as the President under the Government of India Act, 1935. And it is not a new procedure either. I find on a reference to the Council proceedings of 10th March, 1939, that in a similar matter the Hon'ble Home Minister showed a file to the President indicating that the previous sanction of the Governor was obtained. The law insists that the President should personally satisfy himself that the previous sanction of the Governor in his discretion has been obtained. However, as the Hon'ble Minister has not yet come back, I adjourn the Council till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 28th November, 1939.

Members absent.

The following members were absent from the meeting held on the 27th November, 1939 :—

- (1) Mr. Humayun Reza Chowdhury.
- (2) Khan Bahadur Rezzakul Haider Chowdhury.
- (3) Khan Bahadur Syed Muhammad Chaziul Huq.
- (4) Rai Bahadur Brojendra Mohan Maitra.
- (5) Dr. Radha Kumud Mookerjee.
- (6) Mr. E. C. Ormond.
- (7) Mr. J. B. Ross.
- (8) Rai Sahib Jatindra Mohan Sen.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 28th November, 1939, at 2-15 p.m. being the fourth day of the Third Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Appointment in the Collectorate of the Burdwan district.

26. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (a) the various categories of clerks and menials which may be appointed by authorities subordinate to the Collector in each subdivision of the Burdwan district;
- (b) the number of clerks and menials appointed by authorities subordinate to the Collector in each of the subdivisions of Burdwan between 18th March, 1939, when the decision of the Government relating to communal ratio in Government services came into force, and 15th September, 1939, stating the number of Muhammadans, Caste Hindus and Scheduled Caste representatives appointed and their percentages to the total appointments thus made;
- (c) whether the Government decision relating to communal ratio in the services as embodied in Government of Bengal, Home Department, Memorandum No. 2599(22)A., dated the 9th August, 1939, has been communicated to the said appointing authorities in the said subdivisions; if so, on what date or dates; and
- (d) when the orders referred to in paragraph (c) above were received by the Collector?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Subdivisional Officers of outlying subdivisions are competent to appoint menials only in their establishments.

(b) One temporary peon at Kalna was appointed. He is a Caste Hindu.

(c) Yes. On 2nd September, 1939.

(d) On 20th August, 1939.

Causes of floods.

27. Rai SURENDRA NARAYAN SINHA Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): Is the Hon'ble Minister in charge of the Communications and Works Department aware that the Government of India in the course of discussion of a resolution on the subject of the prevention of recurring floods in India stated, amongst other things, that it was the business of the Provincial Governments to investigate into the causes of such floods in their own Provinces and to apprise the Government of India about the conclusions of such enquiries? If so, will he be pleased to state whether the Government of Bengal has ever made any enquiry into the causes of such recurring floods and whether the Government has apprised the Government of India about their conclusions on the subject? If not, why not?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): I have seen the report of the discussion in the Central Assembly in 1924, in the course of which the statement referred to by the hon'ble member was made. From the purport of the statement, and from the trend of his speech in this House a few months ago, when the hon'ble member quoted it, I presume that he now wishes to know whether Government have ever endeavoured to ascertain whether Railway embankments caused flooding in certain areas. If that presumption is correct, the answer is in the affirmative, and I should like to add further that investigations are now proceeding in respect of several areas. The Provincial Government have recently asked a certain Railway Administration to provide a larger waterway at a specified point, and will certainly do so in any case where, after considering the advice of their experts and the views of the Administrations concerned, they deem it necessary in the public interest that such work should be done. Should the Administration refuse to carry out the desired work, the Provincial Government will make a reference to the Government of India. •

The Road Development Fund.

28. Rai Sahib INDU BHUSAN SARKAR (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state the total amount of money the Government of Bengal received from the Road Development Fund of the Government of India since the creation of the Road Development Fund up to the 31st October, 1939?

(b) Will he be pleased to state the total amount spent up to the date referred to above for purposes of road development in Bengal?

(c) Will he be pleased to state whether the total amount, which the Government of Bengal was entitled to receive from the Government of India, has been spent for the purpose or not? If not, what are the reasons for the Government of Bengal not being able to utilise the money for purposes of road development?

(d) Will he be pleased to state whether the Government of Bengal has appointed any Committee called the Road Development Committee on the lines of the Road Development Committee existing under the Government of India? If not, does the Government propose to appoint such a Committee on which both the Houses of the Bengal Legislature may be represented as the Houses of the Central Legislature are represented in the Government of India's Road Development Board or Committee?

(e) Is the Government of Bengal aware that when definite proposals of road schemes are brought forward by the members of the Central Road Development Committee representing Bengal, the Government of India only forwards the minutes of the proceedings of the Central Road Development Committee to the Provincial Government for taking action as they feel necessary? If so, will the Hon'ble Minister be pleased to state whether he has received any such proposals from the Government of India which were raised by the hon'ble member Mr. Jagadish Chandra Banerji, a member of the Council of State, during the period of 1930 to 1936? If so, what steps did the Government of Bengal take on their proposals? If no actions were taken, will he be pleased to state the reasons for not taking any action on the said proposals?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(a) The Provincial Government have received about Rs. 1,10,50,000 from this source; in addition, a sum of about Rs. 31,39,000 representing this Government's allotments for 1937-38 and 1938-39 is held by the Government of India.

(b) Rs. 1,08,06,481.

(c) The principal reason for the inability of this Province to spend its total allotment during the first few years of the existence of the fund was that no comprehensive survey of its requirements in regard to roads had been made.

(d) There is a Provincial Board of Communications, consisting of representatives of groups of District Boards and others interested, which advises the Government in the matter of expenditure from the Road Development Fund.

(e) I have no information.

The Bengal Agricultural Debtors Act.

29. Mr. RANAJIT PAL CHOUDHURI: (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the Government have enquired about the effect of the Bengal Agricultural Debtors Act on rural agricultural credit?

(b) Is it a fact that the operations of the Bengal Agricultural Debtors Act have severely impaired agricultural credit in the rural areas and that the money-lenders, in anticipation of their transactions coming under the operations of the Act, have suspended giving credit to the agriculturists?

(c) If the replies to paragraphs (a) and (b) be in the affirmative, will the Hon'ble Minister be pleased to state what the Government has done or proposes to do to provide agricultural loans to the agriculturists?

(d) If the reply to paragraph (a) be in the affirmative, does the Hon'ble Minister propose to institute an enquiry about the effects of the Bengal Agricultural Debtors Act on agricultural credit?

(e) Will the Hon'ble Minister be pleased to state whether it has come to his knowledge that unnecessary and undue delay is often made in settling cases which come before the Debt Settlement Boards? If so, what steps have been taken to remedy these evils?

(f) Will the Hon'ble Minister be pleased to state to what extent the revenue of the Province has been affected by the operations of the Bengal Agricultural Debtors Act?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) and (b) Reports upon the state of rural credit are obtained from District Officers from time to time; but as I have stated in this House before, I do not consider that the Bengal Agricultural Debtors Act is either the sole or even the main cause of the contraction of rural credit.

(c) During the current year, Government have distributed over Rs. 36½ lakhs as agricultural loans, and in fulfilment of the assurance given during the last Budget discussions, Government advanced Rs. 13½ lakhs to the Provincial Co-operative Bank and thus has enabled Co-operative Societies to bring their total loans this year up to over Rs. 19½ lakhs.

(d) Does not arise.

(e) Complaints of a general nature to this effect are occasionally received; among other steps taken to facilitate more rapid disposal of cases Government have—

- (i) issued leaflets in Bengali for distribution to all applicants explaining the procedure to be followed at each stage;
- (ii) authorised simultaneous issue of all the preliminary notices;
- (iii) reduced the quorum for transaction of routine business to one member;
- (iv) simplified and speeded up the method of serving notices outside the jurisdiction of the issuing Board;
- (v) encouraged the formation of additional Boards wherever necessary and Special Boards for dealing with all the debts of the members of Co-operative Societies; and
- (vi) ordered that separate settlement for arrears of rent shall be made with the landlord as early as possible.

In addition, when complaints are received against specific Boards, local officers are asked to make an enquiry.

(f) This is entirely a matter of opinion.

Mr. BANAJIT PAL CHOUDHURI: With reference to answer (e), will the Hon'ble Minister be pleased to state when were the steps taken to expedite the disposal of cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Steps have been taken for some time now, and I believe, instructions have been issued on this point and also in regard to other matters for over a year. These instructions were not sent all at once; they are being sent from time to time, I remember, for over a year.

Mr. BANAJIT PAL CHOUDHURI: Will the Hon'ble Minister be pleased to state if it had any material effect?

The Hon'ble
Sir.

Mr. RANAJIT PAL CHOUDHURI: Has there been any improvement?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Certainly.

Mr. RANAJIT PAL CHOUDHURI: Is the Hon'ble Minister aware that in many of the interior debt settlement boards in the Sundarbans area, there are cases pending for over a year?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I had occasion to submit to the House that if specific instances are brought to the notice of Government, it would be possible to look into the matter then and there and that is what I have stated towards the end of my answer (c).

Khan Bahadur ATAUR RAHMAN: With reference to answer (c), will the Hon'ble Minister be pleased to state what is the total requirement of the Province for agricultural credit, I mean, for short loans to carry on agriculture by the agriculturists of the Province?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it is a very difficult question for me to answer, for I am concerned only with the Co-operative Societies of the Province. So far as they are concerned, I have given the amount that was required this year.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state what percentage these sums of 36½ lakhs and 13½ lakhs or 36½ lakhs and 19½ lakhs bear in relation to the total requirement of the agriculturists in this province? Does the Hon'ble Minister consider that this supply of credit is enough for the agriculturists?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as this year is concerned, I believe, the needs of the agriculturists who are members of the Co-operative Societies were perfectly attended to. With regard to the needs of others, of course, they are met on the advice of the Collectors.

Mr. LALIT CHANDRA DAS: With reference to answer (f), will the Hon'ble Minister be pleased to state whether, as a matter of fact, payments of rent have been held up owing to applications being made to Debt Settlement Boards under the Bengal Agricultural Debtors Act?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not "held up" really, but payment is stayed for some time. But we have promulgated definite rules as to how arrears of rent have got to be dealt with by these Boards. One of the rules is that payment of arrear rent has got to be made along with the application by the debtor.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if Government is aware that owing to such applications, landlords are finding it difficult to make the usual payment of revenue in proper time?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am very sorry, Sir, I am not aware of it.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to enquire about these facts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is a matter which concerns my honourable friend, the Revenue Minister, and he may enlighten the House about the position of revenue.

Rai Sahib INDU BHUSAN SARKER: With reference to (c)(iv), will the Hon'ble Minister be pleased to state if any definite period has been fixed for repayment of the arrear rent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We have left it to the discretion of the Board. One particular matter has been definitely mentioned, viz., that one year's arrear has got to be paid at the time when the application is made. In this connection, I may also refer to the experience of my honourable friend who is also a member of a Debt Settlement Board at Faridpur as to what is his experience as a member of a Board.

Rai Sahib INDU BHUSAN SARKER: I may say that according to instructions given by the Debt Settlement Officer, sometimes 4 years have been fixed to clear up the arrears of rent; that is, the maximum is 4 years.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It may be so, but I cannot exactly give the number of years that are fixed. We know that rent can be in arrears for 4 years. Under the Act, we have no power to reduce the principal amount of rent in respect of which arrears have got to be repaid. All that we have said is that so far as arrears of rent are concerned, they need not wait for final settlement till settlement is arrived at with regard to other debts. One particular point, as I have mentioned, is that one year's arrear of rent has got to

be paid at the time of the application. With regard to the rest, it is left to the discretion of the Board to suit the convenience of the landlord and the tenant.

Rai Sahib INDU BHUSAN SARKER: Will the Hon'ble Minister be pleased to consider that if a suit is instituted and it is continued for two years and after the institution of the suit, the period of two years' rent is included, it would be very difficult for the landlords to have their dues in proper time?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I submit that it is more or less a matter of opinion.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Government would consider the desirability of withdrawing the power of the Debt Settlement Boards for dealing with the question of arrears of rent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Is the Hon'ble Minister aware that in several Boards, the instruction regarding the payment of one year's rent at the time of the application has not been carried out?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would have expected the honourable Raja Bahadur to have brought a specific case of that nature to the notice of Government, so that Government might have enquired into it.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a fact that Debt Settlement Boards are going to expire on the 31st December, 1939.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how they are going to continue the Debt Settlement Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: They will be continued under the Bengal Agricultural Debtors Act.

The licence for holding melas and fairs.

30. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (a) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that a set of rules had been published under notification No. 7144M., dated the 21st December, 1937, in the *Calcutta Gazette*, dated the 23rd December, 1937, in page 2895 containing rules framed under section 414 (c) of the Bengal Municipal Act of 1932, for the purposes of the grant of licence for holding *melas* and fairs and the conditions for holding such *melas* and fairs?

(b) If so, will he be pleased to state whether the issue of the said notification *ipso facto* brought the rules in force in all the municipalities or whether it was left to the different municipalities of the Province to adopt by a resolution at a meeting of the Commissioners of the municipality the said rules for being applied to the respective municipalities.

(c) Was any permission or confirmation also required by the municipalities from the Government to bring into force those rules into their respective municipalities?

(d) Is he aware that a maximum fee of Rs. 50 has been fixed by the Government for being levied by the municipalities for the grant of a licence for holding a *mela* or a fair within the boundary of a municipality?

(e) Is it a fact that this fee can be fixed at the discretion of a municipality at a lower rate than the maximum rate of Rs. 50? If so, does the adoption of this rate require confirmation and publication in the *Calcutta Gazette*?

(f) Is he also aware of the fact that rule 2 (I) (a) has thrown the burden of responsibility for the supply of drainage, the supply of water, the supply of *methor* services, the maintenance of suitable latrines and urinals, collection and removal and disposal of refuse, supply of proper lights for the latrines in every part of *mela*, supply of suitable food and detection and immediate segregation of cases of infectious diseases, on the licensees who will be granted the licence by the municipality? If so, will he be pleased to state for what purpose the maximum fee of Rs. 50 *per diem* has been allowed to be levied by the municipality on the licensee for the grant of holding a *mela* and for what purpose this fee should be spent?

(g) Do the municipalities utilise the sum so realised as licence fee for purposes other than *mela*?

(h) Do the municipalities make profit of the licence fee so realised for *mela*?

(i) Will he be pleased to state whether the sums realised as licence fee have been allowed to the municipality by way of an avenue of income without throwing any corresponding obligation on the municipality for such fairs?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) and (d) Yes.

(b) Yes. These are Statutory Rules and are binding on all municipalities without fresh adoption through a resolution of the Commissioners at a meeting.

(c) No.

(e) Yes. The adoption of a lower rate does not require confirmation by Government or publication in the *Calcutta Gazette*.

(f) to (i) The responsibilities referred to devolve on the owner of the fair or *mela*. The municipal commissioners have also certain responsibilities for looking after the sanitation, etc., of the fair or *mela* by deputing their sanitary officers so as to check the possibility of the spread of infection. The fee will be credited to the municipal fund for carrying out the purposes of the Act.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Do the Municipality utilise the sum for other purposes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They may. It will go into the general coffers of the municipality.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I mean, after expenditure if there be any surplus, can they utilise it for other purposes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly.

The Bengal Money-lenders Bill, 1939.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I owe an explanation to this House for my absence from the Council yesterday when the House reassembled after the brief adjournment. I was asked to produce before the Hon'ble the President certain orders which were passed by Sir Robert Reid as the Governor of the Province. Although I was in charge of the department, the actual work of conducting this Bill in the Lower House was left to the Hon'ble Mr. Suhrawardy. So Mr. Suhrawardy was in possession of all

the facts. But on examination of the papers, I find that the matter was referred to me, and I sent the reply or my Secretary sent the reply to the Assembly Department on the 1st of April, 1939.

Mr. RANAJIT PAL CHAUDHURY: On All-Fools' Day?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:

That may be. As the Hon'ble President wanted to see the papers, I shall show them to him and I hope that will satisfy him.

As regards my absence yesterday, there has been some misunderstanding, both from my side as well as from the side of those gentlemen who were present here. When I was in the Government House searching for these papers, I was told by the Secretary to the Governor that the Hon'ble President had intimated to him that he was going to adjourn the meeting at once and that the matter would come up for discussion the next day, that is, to-day. Having got this intimation, I thought that the Hon'ble President had already decided that the matter ought to be postponed for to-day. Consequently, we were a little late just by a minute or so; and when we came here we heard that the meeting was over. I do not want to put the blame on any one except on myself, and for this I must apologise to the House. I hope the members will not take it amiss. Constitutionally, as one placed in charge of this Bill, I have no right to be absent when the Council meets. But I hope you will understand the peculiar circumstances which led to my absence from this House yesterday. I hope to be excused for the same.

Now, Sir, I wish to show the papers to you. (Papers shown.) I hope this would satisfy the Hon'ble President that we received the sanction of His Excellency the Governor for bringing in a Bill like this in the Lower House. This has come automatically from the Lower House to the Upper House. All these formalities were gone through in the Lower House and I think nothing further remains to be done.

Mr. PRESIDENT: It is against Parliamentary etiquette and convention to refer to what happened in the other House. As a matter of fact, we have nothing to do with what had happened elsewhere. They are an independent body and we go in our own way. The section of the Government of India Act which I quoted yesterday requires the previous sanction of the Governor. The Hon'ble Minister was good enough to show us the records, in which the sanction of the then Governor was given for the introduction of some amendment relating to the clauses of the Bengal Money-lenders Bill. Those sanctions do not meet the point that I raised. However, I have received a communication from His Excellency, Sir John Herbert through his Secretary. The letter which is dated 28th November, 1939, says: "I am directed

to say with reference to rule 6(4) of the (Governor's) Rules that the sanction of His Excellency the Governor in his discretion under section 299(3) of the Government of India Act, 1935, is granted to the motion *to be made* by the Hon'ble Nawab Musharruff Hossain for the consideration of the Bengal Money-lenders Bill, 1939". In this connection, I have further ascertained that His Excellency the Governor's sanction, had been given only at 3-15 p.m. yesterday. Section 299(3) of the Government of India Act, 1935, enjoins not merely sanction by the Governor but *previous sanction* by him. Now, the contents of the letter just read out by me make it clear that previous sanction was not obtained from the Governor when the Hon'ble Nawab Bahadur moved his motion yesterday for taking the Bengal Money-lenders Bill into consideration. I think that it is unnecessary for me again to refer to the section. It is specifically stated therein that no Bill shall be moved in a Chamber of the Provincial Legislature without the previous sanction of the Governor in his discretion. Under the circumstances, the motion was certainly premature. The British Parliamentary procedure is that in case of irregularities as had happened yesterday on account of the absence of previous sanction by the Governor, the entire proceedings should be declared null and void. If any authority is needed in this connection, I would refer to May's book, on "Parliamentary Practice", page 393, where it is stated that: "If a Bill has been read a second time by mistake or inadvertence, the proceedings have been declared null and void, and another day has been appointed for the second reading." He also refers to a similar matter on page 694 where it is stated that: "If notice be taken of any other informality such proceedings will be null and void and the stage must be repeated." So, we shall have to follow, in the absence of any rules for the guidance of the House, the well-known Parliamentary procedure and I declare the entire proceedings of yesterday arising out of the Hon'ble Nawab Bahadur's motion for taking the Bengal Money-lenders Bill into consideration as null and void. He will have to begin *de novo*. I would, however, expect that the honourable members who have given notice of motions for reference to Select Committee will not insist on them because they have once been gone through. I would therefore ask the Hon'ble Nawab Musharruff Hossain to move that the Bill be taken into consideration.

Mr. KAMINI KUMAR DUTTA: May I, Sir, rise to a point of order? As has been pointed out by you, really the sanction of the Governor was given on the 28th November.

Mr. PRESIDENT: Order, order. Previous sanction has been given for the motion *to be made* by the Hon'ble Nawab Bahadur, which means that a fresh motion is to be made by the Hon'ble Minister to-day.

Mr. KAMINI KUMAR DUTTA: Then my point of order is this. Owing to some sort of misconception on the part of the Hon'ble Minister or some other impression, the motion had already been made and that a fresh motion now will be infructuous.

Mr. PRESIDENT: I have already declared the proceedings of yesterday null and void.

Mr. KAMINI KUMAR DUTTA: Yes, Sir. My point of order is, if a motion has been raised in the House, the same motion cannot be repeated in the same session.

Mr. PRESIDENT: Certainly, I appreciate the point. But I have already declared the proceedings null and void. The motion will have to be made *de novo*. So, it does not come under the mischief of the Rule of Repetition.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, after the ruling that you have given, I beg to move that the Bengal Money-lenders Bill, 1939, be taken into consideration.

Mr. PRESIDENT: Motion moved: That the Bengal Money-lenders Bill, 1939, be taken into consideration.

Rai SURENDRA NARAYAN SINHA Bahadur: I rise to a point of order, Sir. The Bill as it stands is *ultra vires* of this Provincial Legislature. It is hit by items Nos. 28, 33, 38, 42, 53 and 59 of the Federal List of the Constitution Act. The scheme of the Bill as defined in clause 2(13), materially affects all banking corporations (except Scheduled Banks) not excepting the Reserve Bank of India unless they are subsequently put on the modified list as also the conduct of banking business unless excepted as above—

Mr. PRESIDENT: Order, order. You will be perfectly in order to raise this point when these particular clauses will come up for consideration by the House. I think that you have no objection to the Bengal Money-lenders Bill being taken into consideration as a whole.

The question before the House is that the Bengal Money-lenders Bill, 1939, be taken into consideration.

(The motion was agreed to.)

Mr. PRESIDENT: Under our Rules, 7 days' time must be given to enable the honourable members to give notice of amendments to the clauses of the Bill. Will the Hon'ble Minister suggest when he would like to take up the Bill, clause by clause?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Next Monday, if it will suit the House.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, we have no objection to a short time being given for giving notice of amendments. But what I would like to lay stress on is that the amendments should reach us in time, analysed and classified in a printed list, so that we might consider the whole thing and come prepared for discussion on them.

The Hon'ble Khawaja Sir NAZIMUDDIN: On a point of order, Sir. I would ask you to give a ruling on an important point of procedure in this House. It appears that notice of any motion cannot be given by the Ministers in advance; that is to say, firstly the motion for consideration of a Bill is taken up, and when that is passed, the amendments to the clauses are taken up for discussion on a subsequent day. So far, the procedure, not only in the old Legislative Council, but in the present Legislative Assembly as well as in the Central Assembly and the Council of State, has always been that after the consideration motion has been carried, on the same day the amendments to the various clauses of the Bill are taken up.

Mr. PRESIDENT: I have pointed out the provisions of our Rules before. Will the Hon'ble Minister please refer to Rule 77?

If the motion made under rule 77 that the Bill be taken into consideration is carried, then alone the provisions of our rules regarding consideration of the amendments to various clauses of the Bill shall come into operation. The difficulty is that before this motion is carried and when this motion is considered, amendments are allowed not only for circulation but also for the select committee. Now, when a motion for a select committee is accepted and it goes to the select committee, the clauses are invariably altered to a certain extent, so that when the Bill comes back to the House, the House considers not the original Bill but one re-drafted by the select committee; and so all the amendments that come in the meantime are practically of no use if the Bill goes to the select committee. That is the reason why this salutary principle is followed. Once this motion is carried, then is the proper time to give notices of amendments to the clauses. And this procedure is provided for in our rules.

The Hon'ble Khawaja Sir NAZIMUDDIN: May I submit, Sir, that this a very important point? It means that the whole machinery of legislation will be delayed considerably if this practice is followed and it will take a long time to get through the business of the House. As I have stated, the rule is practically the same as it was, before we amended it. I have gone through the rules of the Central Assembly and of the Council of State—

Mr. PRESIDENT: Do you appreciate the point that I have stressed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. PRESIDENT: Well, how do you propose to meet it?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, both in the Central Assembly and in the Council of State the rule is practically identical. The procedure there—I can show you from the proceedings of the Central Assembly and of the Council of State if you will give me an opportunity—is that it is permissible, after the motion that a Bill be taken into consideration is passed, without any further interval to take up the amendments. In cases where an amendment is carried for reference of a Bill to the select committee, then, of course, all these amendments lapse and when the Bill comes back from the select committee you have to give notices of amendments *de novo*. Therefore, it is true that it may be in one or two cases or it may be in 50 per cent. of the cases that amendments for which notices have been given before the Bill has been referred to the select committee will lapse, but in the other 50 per cent. cases you can get only straightaway. In case of Government Bills, you will find, Sir, that practically in 75 per cent. of the cases where Government have not agreed to refer any Bill to the select committee but are for taking it straightaway for consideration, the motions for reference to a select committee are, as a rule, rejected.

Therefore, Sir, I would submit that first of all the most important point is that the business of the House should be carried on as expeditiously as possible. Secondly, Sir, the procedure on this point in our legislature should be the same as it is in the Central Assembly and in the Council of State. Before you give your final decision on this point, I would request you, Sir, to give me another day, so that I may place before you the reports of proceedings of these two Houses and then you will find that what is being followed now and the wording of the rule are practically identical. I am positive about this and I can prove to you that this is so. Looking at it from the point of view of convenience, Sir, I submit that it is far better that in 25 per cent. of the cases the amendments should lapse rather than that we should have to wait for another 5 or 6 days before we can take up discussion of the Bill clause by clause. I submit, Sir, that if this rule is accepted, then the position will be this that at the beginning of the sessions it will take 4, 5 or 7 days to give notice, so that it will be practically impossible to do any Government business or take up any Government Bill, because you have first to give notice that such and such matter be taken into consideration and then you have

got to wait till that motion is carried and then you have to wait for another seven days before you can take up any other business. In case the Bill is referred to a select committee if there is a motion that the Bill be referred back to the select committee for the second time, then again you cannot get ahead. That means that after the House has met, for seven days no Government business can be carried on. This is a practical difficulty for which a solution should be found. Even if the Hon'ble President holds that under the existing rules it is not possible to proceed, then the rules, Sir, ought to be amended so as to make it possible to do so.

Mr. PRESIDENT: The Hon'ble Minister has given his reasons why this rule should be changed, and it will be for the House to consider whether the rule should be amended. But as long as the rules stand as at present, the Chair has no other course open to him but to follow them. As regards this Bill, sufficient time for putting in amendments must be given to the honourable members. I shall, however, be glad to suspend the seven-days rule, and curtail the period, provided there is agreement amongst the members. I would, therefore, like to enquire of honourable members what time they will require for giving notice of amendments. I would like to ascertain the opinion of the Leader of Opposition, Mr. Kamini Kumar Dutta, as to how much time he wants for giving notices of amendments?

Mr. KAMINI KUMAR DUTTA: Sir, my party thinks that the consideration of the amendments may begin from next Monday.

Mr. PRESIDENT: The office will require some time to classify and consolidate the amendments. As Khan Bahadur Naziruddin Ahmad has rightly observed, it is very difficult to follow the amendments unless they are properly classified. You have to remember that also.

Mr. KAMINI KUMAR DUTTA: Sir, we want time till next Friday for giving notices of amendments.

Mr. PRESIDENT: I think that will suit everybody.
(Cries of "Yes".)

Mr. PRESIDENT: I forgot to consult the other party leaders on this point. Are they satisfied with three days' time?

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: No, Sir. We want seven days' time for giving notices. At least, we must get clear five days for giving notice of our amendments to the clauses.

Khan Bahadur ATAUR RAHMAN: We want two days only.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: On Monday morning we propose to submit our amendments.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, may I submit one outstanding fact that this is a measure of far-reaching character; many vital issues are involved and many vested interests will be seriously affected if this measure is placed on the Statute book. So, the members of this House should be given sufficient time to give notices of their amendments.

Mr. PRESIDENT: That is quite correct but when the main Opposition, the Congress Group, wanted three days, I thought that that would be sufficient for all.

Rai KESHAB CHANDRA BANERJEE Bahadur: We want time till Saturday.

Khan Bahadur M. ABDUL KARIM: In the opinion of my party, three days will be more than sufficient.

Mr. W. B. C. LAIDLAW: As far as we are concerned, we are going through this Bill for some weeks and I think two days will be ample for our requirements.

Mr. PRESIDENT: The difficulty of the Chair is that this is a question more for the Opposition who are expected to put in amendments than for the Government or the supporters thereof like the Coalition Party. I find the Congress Party is satisfied with three days' time.

Rai KESHAB CHANDRA BANERJEE Bahadur: But I understand, Sir, that the Congress members are not going to give notice of any amendment.

Mr. KAMINI KUMAR DUTTA: No, Sir. We shall table some amendments, but I think that the Bill is a very short one and so three days' time will be sufficient.

Mr. PRESIDENT: The difficulty is that the office must be given three clear days to classify the amendments and to get them printed and circulated to the honourable members. So, the Bill cannot be taken up earlier than on Wednesday next. Even if we fix Friday to be

the last date for giving notices of amendments, the Bill cannot be taken up earlier than on Wednesday, but if it is Saturday, then, of course, it will have to be taken up later.

Rai KESHAB CHANDRA BANERJEE Bahadur: If the Council Department work on Sunday next, they may be given a holiday later on by way of compensation. (Laughter.)

Mr. E. C. ORMOND: On a point of information, Sir. Would you be good enough to inform the House, supposing the amendments are put in and have to be put in by Friday, on what date will these amendments be made public to members of the House, that is to say, on what date will our party have the amendments proposed to be moved by the Opposition? That is a matter which is of importance to us.

Mr. PRESIDENT: If we give time till Friday, then they will be ready for circulation on Wednesday only and not earlier. Three clear days must be given to the office for the process of classifying, consolidating, printing and getting them circulated.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In that case, when will the actual consideration of the Bill be taken up, i.e., if the Bill be circulated to us on Wednesday, then on what date will the discussion be taken up clause by clause?

Mr. PRESIDENT: Next day, i.e., on Thursday.

Mr. J. B. ROSS: Sir, is it the intention that the amendments will be made available to us on Wednesday and they will be taken up for discussion on Thursday? If so, is not that rather a short time to give us to consider and decide what attitude we should take in regard to these amendments?

Mr. PRESIDENT: I know there was some objection before from the European Group that they did not get proper time to make up their minds with regard to the amendments tabled in connection with important Bills. This is a complicated legislation, and though the Leader of the Opposition thinks that it is a small matter, I find that it is a rather complicated measure. That is the reason why I would like to consult the Leaders of parties and fix a suitable time. The office will, I understand, take three days. I do not know what date will suit Mr. Hunter.

Mr. H. C. A. HUNTER: If we get 48 hours' notice, we could manage to come to a decision in these matters. But 24 hours is much too short.

Mr. PRESIDENT: If we allow three days for the amendments to be tabled and three days for the office to classify and consolidate them, the European Group will require another two days.

Mr. E. C. ORMOND: Friday would suit this Group.

Mr. LALIT CHANDRA DAS: That is a non-official day.

Mr. E. C. ORMOND: Mr. President, I am authorised to make this suggestion to you. I do not know whether you have already considered this matter. This Bill has been in everybody's mind for some time, and therefore I would suggest that it is not necessary for anybody to take any long period of time, as they might have taken over other Bills, before putting in amendments. If you, Sir, give members one day or at the most 48 hours to put in these amendments, then the other time can be satisfactory, and we can take it up. The reason why the party to which I belong needs time after the amendments have been received and classified by the office is that we want to consider them. We do not want any time, and I would respectfully suggest no other members of the House need any time, to put in the amendments.

Mr. PRESIDENT: Considering different viewpoints, I fix the 1st of December, 1939, that is, Friday, 3 p.m. as the time for giving notice of amendments, and the House will consider this Bill, clause by clause, on the 7th of December, that is, on Thursday. I think this will suit the convenience of all members because they will get the consolidated list a day earlier.

I adjourn the Council till 2-15 p.m. on Friday, the 1st of December, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 1st December, 1939.

Members absent.

The following members were absent from the meeting held on the 28th of November, 1939:—

- (1) Rai Bahadur Manmatha Nath Bose.
- (2) Mr. Humayun Reza Chowdhury.
- (3) Mr. Kanai Lal Goswami.
- (4) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (5) Dr. Radha Kumud Mookerjee
- (6) Rai Bahadur Satis Chandra Mukherji.
- (7) Mr. Krishna Chandra Roy Chowdhury.
- (8) Rai Sahib Jatindra Mohan Sen.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 1st December, 1939, at 2-15 p.m. being the fifth day of the Third Session, pursuant to section 62(2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Military training in schools in Bengal.

31. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if any provision has been made in Bengal for military training in schools?

(b) If not, does the Government intend to open a military training school in order to train teachers for giving military training to students in schools?

(c) Is it a fact that the Government of Bihar has established such a school at Ranchi?

(d) Is the Hon'ble Minister aware of the fact that there is a great demand for military training for boys in schools?

(e) If so, will he be pleased to state why no military training school has yet been established in Bengal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) No provision has been made.

(b) Not at present.

(c) I have no information.

(d) Yes.

(e) The hon'ble member is referred to the reply given on 6th March, 1939, to clause (b) of his question No. 73 on the subject.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the principle underlying the question put by the honourable member has been accepted?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The honourable member may be good enough to know that this is a very difficult question but Government have taken all possible steps to bring about physical improvement of the boys through regular drill.

Rai Bahadur KESHAB CHANDRA BANERJEE: With reference to answer (c), will the Hon'ble Minister be pleased to state whether an enquiry will be made into the matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The matter will be looked into.

Rai Bahadur KESHAB CHANDRA BANERJEE: With reference to answer (d), if the Government are satisfied that there is a great demand for military training for boys in schools, why should there be the least possible delay in coming to a decision?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It involves, as I have said, consideration of various matters which require investigation, and so far as military training is concerned, it is a matter for the Central Government. The local Government cannot take action without proper advice from the Central Government, and the question of finding proper teachers will naturally arise. The local Government have got to take into consideration all these matters before coming to a decision.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware that the Congress Governments of Bihar and other provinces have accepted this principle, viz., the principle of military training for boys in schools? Will the Hon'ble Minister be kind enough to have an enquiry made regarding the scheme adopted in those provinces?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As the answer shows, we have no information as to what has been done in Bihar. With regard to other provinces, we might ask what those Governments have done.

Release of political prisoners convicted in the Bathua Dacoity case.

32. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many political prisoners convicted in the Bathua Dacoity case were released unconditionally by the Government following the recommendations of the Advisory Committee? What are their names and what were the periods of sentences? Were any of these prisoners who have now been released unconditionally, sentenced to transportation for life?

(b) Is it not a fact that Mukunda Ranjan Chakraverti, Harihar Datta and Monmohan Saha were convicted in the same Bathua Dacoity case and sentenced to transportation for life on the same date? And

is it a fact that on the 7th October, 1939, in ordering the release of Mukunda, Harihar and Monmohan, Government imposed conditions on them which they refused to accept?

(c) Is it not a fact that the conduct in jail of the said Mukunda, Harihar and Monmohan have been reported to be good?

(d) Who are the other prisoners in connection with the Bathua Dacoity case upon whom conditions have been imposed along with the orders for their release? Is it a fact that they also refused to accept release on condition? Is it not a fact that their conduct in jail has also been reported good? Against whom is the jail conduct reported to be bad?

(e) Does Government propose to reconsider their cases now and release them unconditionally? If not, will the Hon'ble Minister be pleased to state the grounds of such differential treatment in the case of these prisoners from those mentioned in paragraph (a)?

The Hon'ble Mr. H. S. SURHAWARDY (on behalf of the Hon'ble Kpwaja Sir Nazimuddin): (a) Nine terrorist prisoners of the Bathua Dacoity case have been released unconditionally on the recommendation of the Advisory Committee. Their names and other details asked for are given in the statement attached.

(b) and (c) Yes.

(d) Priyada Raujan Chakrabarti is the only other prisoner on whom conditions have been imposed in his release order. His jail conduct is good and he has also refused to accept release on condition. The jail conduct is reported to be bad against Nos. 2, 3, 4, 5, 6 and 9 of the attached statement.

(e) No. The grounds on which Government's decisions in each case are based have been stated both in this House and recently in a resolution No. 2262H.J., dated the 13th November, 1939, of which a copy was laid on the table in reply to question No. 8 answered during this session. The hon'ble member's attention is invited to these statements.

Statement referred to in the reply to clause (a) of question No. 32.

Name of terrorist prisoners.	Period of sentence.	Date of sentence.
1. Kriti Mazumdar ..	7 years' rigorous imprisonment.	27th August, 1934.
2. Nagendra Lal De ..	10 years' rigorous imprisonment.	Ditto.
3. Monoranjan Chowdhuri ..	7 years' rigorous imprisonment.	Ditto.
4. Nirendra Lal Barua ..	10 years' rigorous imprisonment.	Ditto.

Name of terrorist prisoners.	Period of sentence.	Date of sentence.
5. Jibendra (Jatindra) Kumar Das.	10 years' transportation.	27th August, 1934.
6. Saradindu Bhattacharji .. .	Ditto .. .	Ditto.
7. Gagan Chandra De ..	Transportation for life.	Ditto.
8. Manindra Chandra De ..	Ditto ..	Ditto.
9. Arabinda De	10 years' rigorous imprisonment.	Ditto.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to look into the statement referred to in his reply and say whether it is a fact that prisoners Nos. 7 and 8 convicted and sentenced to transportation for life, were released unconditionally?

The Hon'ble Mr. H. S. SUHRAWARDY: Those who accepted the conditions have been released.

Mr. LALIT CHANDRA DAS: Therefore, I say that the Hon'ble Minister ought to read it first and then reply to my question. Will the Hon'ble Minister be pleased to look into the statement attached to the reply wherein it is said that prisoners Nos. 7 and 8 were convicted and sentenced to transportation for life and yet released unconditionally?

The Hon'ble Mr. H. S. SUHRAWARDY: My friend is merely repeating answer (a).

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to explain why conditions were imposed on Mukunda Ranjan Chakravarti, Harihar Datta and Monmohan Saha, convicted in the same Bathua Dacoity case and sentenced to transportation for life, and therefore could not be released?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose—

Mr. LALIT CHANDRA DAS: The Hon'ble Minister is only supposing; but that will not do.

The Hon'ble Mr. H. S. SUHRAWARDY: The reason being, I take it, that the Advisory Committee imposed certain conditions.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if, when the recommendations of the Advisory Committee are contradictory—in one case they recommend that prisoners

Nos. 7 and 8, sentenced to transportation for life, be released unconditionally and in another case they recommend that prisoners Mukunda Ranjan Chakravarti, Harihar Datta and Monohar Saha, convicted in the same Bathua Dacoity case and sentenced to transportation for life, be not released unconditionally—the Government is bound to accept those recommendations?

The Hon'ble Mr. H. S. SUHRAWARDY: The Government are not called upon to explain why the Advisory Committee recommends in one manner in respect of one prisoner and in another manner in respect of another prisoner. The Advisory Committee exercised what may be termed judicial discretion in this matter and took into account various factors including not merely the sentence but the heinousness of the crime, the conduct of the prisoner and many other factors that I may not be aware of.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to follow me? That is not what I asked him. I asked him whether Government was bound to accept the recommendations of the Advisory Committee when its recommendations were contradictory by themselves?

The Hon'ble Mr. H. S. SUHRAWARDY: Government have, to the best of their ability, tried to accept the recommendations of the Advisory Committee. Having set up an Advisory Committee, Government feel bound to accept their recommendation unless for very strong reasons.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to look at answer (d)? There, it is said that the jail-conduct of Priyada Ranjan Chakravarti was found to be good and yet a condition was imposed upon him for release whereas the conduct of prisoners Nos. 2, 3, 4, 5, 6 and 9 are reported to be bad so far as jail record is concerned, and yet have been recommended release unconditionally. Will the Government be pleased to explain why condition was imposed on Priyada Ranjan Chakravarti in spite of the fact that his jail-conduct was good?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I cannot give reasons why the Advisory Committee recommended in one manner in one case and in another manner in another case. The reasons cannot by their very nature be before the Government and therefore the Government cannot answer the question put so frequently.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to look at answer (e)? May I take it that the Hon'ble Minister has gone through the Government resolution No. 2262H.J., dated the 13th November, 1939?

The Hon'ble Mr. H. S. SUHRAWARDY: Before I reply to that question, Sir, I would like the hon'ble member to find out whether I have gone through the resolution by means of cross-examination.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister kindly refer to answer (e)? The question is: "Does Government propose to reconsider their cases and release unconditionally? If not, will the Hon'ble Minister be pleased to state the grounds of such differential treatment in the case of these prisoners from those mentioned in paragraph (a)"? In reply I was referred to resolution No. 2262H.J., dated the 13th November, 1939. Therefore, I would ask the Hon'ble Minister whether he has gone through the resolution. If he has gone through the resolution, then my question is: Will the Hon'ble Minister take it that that resolution does not give any ground for making any differentiation between prisoners Mukunda Ranjan Chakraverti, Harihar Datta and Monmohan Saha and those who were released unconditionally?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know why the honourable member says so.

Mr. LALIT CHANDRA DAS: I ask whether the Hon'ble Minister has gone through the resolution and the plain answer should be "No", if he has not gone through it.

The Hon'ble Mr. H. S. SUHRAWARDY: I think the hon'ble member must make out a case that the statement made by Government or the resolution does not cover these cases.

Mr. PRESIDENT: Order, order. Questions are meant to seek information and not for cross-examination. You please put the questions straight for information only.

Mr. RANAJIT PAL CHOUHDURY: The Hon'ble Minister invites cross-examination.

Mr. PRESIDENT: Order, order.

Mr. LALIT CHANDRA DAS: I shall put the question for information.

Mr. PRESIDENT: You ought to seek information and not give information.

Mr. LALIT CHANDRA DAS: I want to know whether the resolution No. 2262H.J., dated the 13th November, 1939, gives any ground whatsoever, for making a differentiation between prisoners

Mukunda Ranjan Chakraverti, Harihar Datta and Moymohan Saha on the one side and prisoners Gagan Chandra De and Manindra Chandra De, on the other.

The Hon'ble Mr. H. S. SUHRAWARDY: It does.

Mr. LALIT CHANDRA DAS: In what way? Will the Hon'ble Minister be pleased to explain? I want him to refer me to those portions of the resolution.

The Hon'ble Mr. H. S. SUHRAWARDY: I have not got the resolution before me, but I think I would refer the honourable member to the resolution.

Mr. LALIT CHANDRA DAS: Therefore, I put it to him that he does not know what the resolution contains.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what was the sentence imposed on Priyada Ranjan Chakraverti?

The Hon'ble Mr. H. S. SUHRAWARDY: I must ask for notice.

Mr. HUMAYUN KABIR: May I suggest that all this difficulty arises on account of the fact that the Hon'ble Minister is not in charge of the department to which the questions relate?

The Hon'ble Mr. H. S. SUHRAWARDY: I doubt very much if the Hon'ble Minister in charge of the department himself would have known what was the sentence imposed on various prisoners.

Mr. PRESIDENT: Order, order. The right of putting supplementary questions is a very valued right and I would request the Hon'ble Ministers, who undertake to answer questions on behalf of other Ministers, to come fully prepared. I have no objection to one Minister or the other Minister answering the questions. But I would expect them to come prepared with all information necessary for answering any relevant supplementary questions that may be put.

Control of the Library of the Legislature.

33. Rai KESHAB CHANDRA BANERJEE Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any steps have been taken for transferring the control of the Library of the Legislature to the joint control of the Hon'ble the President and the Hon'ble the Speaker?

- (b) If so, will he be pleased to state the steps so far taken?
 (c) Has the control of the Library been vested in the joint control, as was decided?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) The matter is still under the consideration of Government.

(b) and (c) Do not arise.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state how long the consideration stage will continue?

The Hon'ble Mr. H. S. SUHRAWARDY: As long as Government take to come to a final decision.

Food problem in Bengal.

34. Mr. NUR AHAMED: (a) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state if it is a fact that many people in Bengal are suffering from malnutrition in most cases for want of proper instruction regarding proper and suitable diet?

(b) If so, what steps have been taken by Government of Bengal to educate the masses of Bengal about proper nutrition by means of peripatetic teachers or otherwise?

(c) If not, what measures does the Government of Bengal intend to adopt to train the people in the art of preparing diet? If not, why not?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) Yes.

(b) A statement is laid on the table.

(c) The question does not arise.

Statement referred to in reply to clause (b) of question No. 34.

The Government of Bengal have appointed a nutrition survey staff consisting of one trained Nutrition Survey Officer, two male and one female sub-assistant surgeons for a period of four years commencing from December, 1937, to carry out the nutrition work detailed below:—

(I) (i) Nutrition survey in schools throughout the Province for the detection of malnutrition. After the health examination, the heads of the institutions are informed about the defects of the scholars, so that the guardians may take necessary steps.

(ii) Nutrition survey in maternity centres and clinics, etc., to detect malnutrition amongst the infants and pre-school going children.

(II) Diet survey in families of different grades of life and different social groups. After analysis the families are informed about the defects in their diets if any, with necessary suggestions for improvement.

(III) Educating the public with regard to proper nutrition including arrangement for preparation of a balanced diet in the light of results obtained from (I) and (II).

(IV) Preparation of cheap menus of balanced diet and distributing them in Health welfare weeks and schools.

(V) Health talks and nutrition lectures in schools and public places of different districts of Bengal.

(VI) Planning of institutional diets.

Rai Bahadur KESHAB CHANDRA BANERJEE: With reference to answer (b), will the Hon'ble Minister be pleased to state whether any appreciable improvement has been noticed in the physical condition of the boys in course of these two years?

The Hon'ble Mr. TAMIZUDDIN KHAN: A good deal of work has been done but whether any appreciable result has been achieved already, I cannot say.

Mr. PRESIDENT: It is a matter of opinion.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if any report will be submitted by the officers concerned?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, the report has already been submitted to Government.

Mr. PRESIDENT: Order, order. Non-official Bills will now be taken up for discussion.

NON-OFFICIAL BILLS.

The Bengal Shop Hours and Shop Assistants Bill, 1938.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bengal Shop Hours and Shop Assistants Bill, 1938, be taken into consideration.

I do not propose to inflict a long speech in connection with this Bill, for the principles underlying this Bill have already been discussed in this House. I think there is unanimity of opinion in

all sections of the House with regard to the principles of the Bill. Everyone in this House admits that the present condition in shops is one which would not and should not be tolerated in any civilised country of the world. Shop assistants have to work as long as 18 or even 20 hours during rush seasons and under the present conditions, they have no definite rules about salary, about wages, about their hours of work and about recreation or leisure. This is a state of affairs which goes against the conditions of civilised living and in this way we are preventing a very large section of the people of our country from enjoying the amenities of citizenship to which they are entitled. I think, Sir, I am not exaggerating when I say that there is perfect unanimity among all sections of the House so far as the principles of this Bill are concerned.

When this Bill came up once before on the floor of this House, the Hon'ble Mr. Suhrawardy was pleased to state on behalf of Government that he sympathised with the object of my Bill and so far as the principle of the Bill was concerned, he was willing to accept it but that there were many details with which he did not agree. Not only that. He said that Government themselves were preparing a Bill more or less on the lines of the Bill of which I had given notice and that that Bill would be introduced in this House in June, 1939. On that assurance of the Hon'ble Minister, at that time I withdraw my motion for consideration of the Bill. Sir, I have regretfully to say that as yet the promised Bill has not been introduced in this House or in any other place. We expected that this would be introduced in June last. What are the reasons for which Government have not been able to introduce this as yet? In certain other provinces, the movement has already caught. Governments in certain other provinces have already framed Bills more or less on the lines of the Bill which I moved here almost two years ago and at least in one province, the Bill has already been passed. It had been my hope that Bengal would be the first province to have a Bill of this type—a Bill which would control the conditions of work for shop assistants and also regulate the hours of their work in shops. But unfortunately, Bombay has stolen a march over us. Yet I would urge upon Government that I do not want to stand in the way of Government introducing a Bill of this type. I quite appreciate the fact that if a Government Bill is brought before this House, it has a chance of going through the House much more quickly and expeditiously than a private member's Bill. Therefore, I would request the Hon'ble Minister to take it over as a Government Bill, if possible, or at any rate to introduce a Bill which will embody the principles which are included in this Bill.

In order to refresh the memory of the members of this House, I would go very briefly and rapidly over the principles which are involved in the Bill.

Firstly, there should be regulation of the hours of work in shops. At present, there is absolute anarchy and chaos so far as hours of work are concerned. We want instead that there should be preferably an 8-hours' day; but if for some reasons, it is not found possible to immediately have an 8-hours' day, we would press for having a 9 or even a 10-hours' day. What we want is to have a fixed principle about the hours of work so far as the shop assistants are concerned.

Secondly, there should be provision for weekly holidays for shop assistants and also for ensuring that they get advantage of those general holidays, e.g., the Eid, the Christmas and the Pujah holidays, which other citizens enjoy but from the enjoyment of which the shop assistants alone are deprived.

Thirdly, there is the question of some sort of regulation of the conditions of their working. Shop assistants should not be dismissed at the will of shop-keepers.

Fourthly, if possible, there should be a minimum salary for those working in shops.

Fifthly, there should be an age-limit and small children who have not grown mature should not be forced to work for 14 hours or more thereby causing great damage to their health and future. I am sure that these are principles which every member of this House will sympathise with and generally support. Lastly, as I have said before, if Government are willing to bring in a Bill of this type, we shall, all of us, be glad to lend our support to such a Bill. With these words, I beg to move that the Bill be taken into consideration by the House.

Mr. PRESIDENT: Motion moved: that the Bengal Shop Hours and Shop Assistants Bill, 1938, be taken into consideration.

Mr. NARESH NATH MOOKERJEE: Sir, may I be permitted to move a short-notice amendment which is merely for circulation?

Mr. PRESIDENT: My office received this notice for circulation at 1-40 p.m., and the House sat at 2-15 p.m. It is very unreasonable to give such notices. However, if honourable members have no objection, I shall accept it for this day only. The amendment is that the Bill be circulated for eliciting opinion thereon by the 31st January, 1940.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the difficulty that I feel with regard to this amendment for circulation is that supposing that I introduce a Shop Hours' Bill on the 6th December, as I propose to do on the floor of this House, it will be rather expensive and, if I may say so, a little bit infructuous too. I first thought that this motion

for circulation might be accepted, but in view of the fact that I propose introducing a Bill on the 6th December, 1939, perhaps Mr. Humayun Kabir may be good enough to withdraw his present motion. The Bill will not be killed but it will remain——

Mr. HUMAYUN KABIR: No, I think the Bill will be killed.

The Hon'ble Mr. H. S. SUHRAWARDY: If Mr. Kabir withdrew his motion, that will not result in killing his Bill. I do not like his Bill to be killed.

Mr. PRESIDENT: Mr. Kabir's Bill will not be killed, because he has taken steps in connection with his Bill during this session.

The Hon'ble Mr. H. S. SUHRAWARDY: I would certainly have accepted this motion for circulation if there was any danger of Mr. Humayun Kabir's Bill being killed until I introduce the Government Bill. But as we have it from the Chair itself that the Bill is not likely to be killed, I would request Mr. Humayun Kabir to withdraw his motion for taking this Bill into consideration. I intend introducing a Bill of this nature, as I have stated, on the 6th December and probably in this very session, I shall move that the matter be referred to a Select Committee of this House so that no time be further spent on circulation of the Bill which is long overdue.

Mr. NARESH NATH MOOKERJEE: On a point of information, Sir. May we know from the Hon'ble Minister if the Government Bill is likely to be on the same lines as that of Mr. Humayun Kabir or it will be on entirely different lines? Certain new features have been introduced in the Bill of Mr. Kabir——.

The Hon'ble Mr. H. S. SUHRAWARDY: That would be a matter, if I may say so, either for the Select Committee or for the House to decide at a subsequent stage. As I said, I have not accepted all the principles underlying the Bill of Mr. Humayun Kabir. For example, he has provided for a minimum wage of Rs. 30. I know that it will kill many of the shops which are now in existence in Calcutta. On the other hand, I would like to extend the provision of shop hours to commercial establishments, if possible, and to restaurants and eating houses where the workers are worked overtime. There will be certain differences between the Government Bill and that of Mr. Humayun Kabir. I hope the House and perhaps Mr. Humayun Kabir himself may consider the Government Bill to be an improvement. Even if it is not, it will be a matter subsequently, as I have said, both for the Select Committee as well as for this House to give it proper shape so that a practical piece of legislation may be put on the Statute book.

Mr. HUMAYUN KABIR: In view of the fact that the Hon'ble Minister has definitely told us that the Government Bill will be introduced on the 6th of December, 1939, on the floor of this House and since he has given us a further expectation that it will be referred to a Select Committee in this very session, I do not like to press my motion. With your permission, Sir, I would like to withdraw my motion.

Mr. PRESIDENT: Is it the pleasure of the House to permit Mr. Humayun Kabir to withdraw his motion that the Bengal Shop Hours and Shop Assistants Bill, 1938, be taken into consideration?

(Cries of "No objection".)

The motion was then, by leave of the House, withdrawn.

The Bengal Abolition of Dowry Bill, 1938.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that the Bengal Abolition of Dowry Bill, 1938, be taken into consideration.

Sir, the system of dowry originally starting from the idea of making free gifts at the time of marriage has degenerated into an engine of oppression for extorting money as a consideration for marriage. The woes of fathers and guardians of daughters of the so-called *Bhadralog* classes, are so well-known that I need not recount them here. Tragedies that have occurred in Bengali homes owing to the inability of the father to pay the consideration money are too recent to be forgotten by most of us. But however great the sufferings of the upper classes, they do not compare with the hardships which some sections of the lower castes of the Bengali society labour under owing to the prevalence of *kanjapana*, i.e., bride-money which the males are to pay owing to the paucity of girls. The result is that marriages are well-nigh impossible and when they are possible, the disparity in the age of the couple is such that the male spouse dies leaving the female spouse a girl widow who drifts to towns for employment and is drawn to evil ways with the result that the family becomes extinct. Social reforms in this direction are urgently needed and this explains why other provinces have adopted such measures. Some may say that the custom of taking *panas* or dowry as a consideration for marriage is not sanctioned by the Shastras. Manu and other law-givers have classed marriages with dowry as inferior forms of marriage.

All sections of the community are united in their condemnation of this system. The Brahmin Sabha, the Kayestha Sabha and other similar progressive caste organisations have supported this Bill. The Bengal Hindu Sabha, which is a registered society for the promotion of welfare of Bengali Hindus, has by a resolution supported the

principles of this Bill. The Conference of Hindus at Khulna under the presidency of Mr. Savarkar has pleaded for the abolition of dowry. In fact, the evils of the system are so glaring and pernicious that I do not fear that any dissentient voice will be raised in the Council for consideration and passing of this measure. If there is any difference about details, that can be settled in the Select Committee. I hope neither the people nor the Government can have any objection to the principles of the Bill. Other provinces have gone ahead of us. The Province of Sind has already put such anti-dowry legislation on the Statute Book. The Bihar Legislative Assembly also has passed an anti-dowry Bill, and I have a copy of that Bill with me. Will Bengal, where the need for such law is so great, lag behind? I hope, Sir, we shall lose no further time in removing this slur upon our reputation. The Bill was published in the *Calcutta Gazette* and even before that it was published in the Press in full. As for the question of non-intervention in social matters, that question was gone into at length by the Age of Consent Committee, of which you, Sir, were a member. Ever since the days of the Suttee Regulation, the Government have legislated in social matters and the recent Sarda Act was passed in the face of some opposition from interested parties. If there be any objection from the Muslim community with regard to any provision of this Bill, I am quite willing to delete or modify those portions. With these words, Sir, I move the Bill for consideration of this House.

Mr. PRESIDENT: Motion moved: that the Bengal Abolition of Dowry bill, 1938, be taken into consideration.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Bill be circulated for eliciting opinion thereon by the 1st of February, 1940. In the notice that I gave yesterday, I put the time-limit at 1st June, 1940. But since then we have had consultations with the leaders of different parties and they say that a shorter interval for inviting public opinion thereon will improve things. So, I propose that the Bill be re-circulated for eliciting opinion thereon by the 1st February, 1940. I may say this that this is a social legislation which aims at removing some of the evils that are in existence, and no one can have any objection to a legislation of this kind. But before any attempt is made to get enacted a social legislation of the kind that has been proposed, we must take the whole country with us and we must know their opinion before we venture to pass any legislation.

In the case of Muhammadans, they fear very much and hesitate in making any legislation regarding their social customs and practices, although some glaring evils are known to exist. But in the case of Hindus, I am informed just now that the Bihar Legislative Assembly has passed a legislation of this kind. If that is so, and if my Hindu

friends desire that a Bill of this kind should be passed here in Bengal, I would have no objection to seeing that this measure is passed through this House. Before I do so, I would like to take the country with me so that I may not be put to any difficulty or account of our passing a hasty legislation of this kind. I would therefore, press for circulation of this Bill with a view to eliciting opinion thereon.

Mr. PRESIDENT: Before I put this amendment before the House, I must say that notice of this motion was not given in proper time and it is developing into a very bad practice. Under rule 63(7) of our rules, 10 days' notice is necessary for amendments for circulation or for reference to a Select Committee. If there is no objection on the part of any member, then alone I shall accept the amendment; and in future in spite of the concurrence of the House, I shall be reluctant to accept such motion because it puts the honourable members to great disadvantage. I take it that so far as this particular amendment is concerned, there is no objection in this House.

(No one raised any objection.)

Amendment moved: that the Bill be re-circulated for eliciting opinion thereon by the 1st February, 1940.

The question before the House is that the Bill be re-circulated for eliciting opinion thereon by the 1st February, 1940.

(The amendment was agreed to.)

The Bengal Money-lenders (Amendment) Bill, 1937.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Money-lenders (Amendment) Bill, 1937, be taken into consideration. Sir, in moving this motion, I should like to remove one misconception which I find in the minds of some of the honourable members of this House. It is said that the Bengal Money-lenders Bill, 1939, is before the House and the question has been asked what is the necessity of this amending Bill. I would respectfully draw the attention of the honourable members of this House to clause 45 of the said Bill, from which it will appear that the Bill of 1939 will be applicable to certain kinds of loans. But the Act of 1933 is applicable to all classes of loans including commercial loans, loans due to co-operative societies, insurance companies and other banks. But the Bill of 1939 will apply to only some classes of loans excluding commercial loans, loans due to co-operative societies, insurance companies and similar societies. So, there is a necessity for this Bill even after the passing of the Bill of 1939. From a perusal of the Act of 1933, it will appear to the honourable members that this Bill is based on the principles of the Usurious Loans Act of 1918. There is a provision in the Bill

regarding interest to be charged; and interest as specified in that Act is 25 per cent. in the case of unsecured loans and 18 per cent. in the case of secured loans. My object in bringing this amendment is to reduce that rate of interest. My proposal is to reduce the rate of interest in the case of unsecured debts to 18 per cent. from 25 per cent. and in the case of secured loans, from 18 to 12 per cent.; and in the case of compound interest from 10 to 6½ per cent. I have already submitted to the House that after the passing of the Bill of 1939, an anomalous state of things will exist in Bengal. In the Bill of 1939, the rate of interest has been fixed at 8 per cent. in the case of secured loans and 10 per cent. in the case of unsecured loans; but in the case of other loans if there is no amendment, the rate will remain 25 per cent. and 18 per cent. In the case of commercial loans, the rate will be higher. It is an admitted fact that cheap capital is absolutely necessary for the development of trade, commerce and industries in Bengal; but by an irony of fate, the rate of interest in case of commercial loans will be higher as compared with the rate of rent for agriculture and other purposes. So, there is a necessity for this amending Bill.

With these few words, Sir, I appeal to the House to accept my motion for consideration.

Mr. PERSIDENT: Motion moved: that the Bengal Money-lenders (Amendment) Bill, 1937, be taken into consideration.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I rise to oppose this Bill for the simple reason that another Bill of a similar nature is going to be discussed in this House in the course of a week and the hon'ble member will be entitled to move suitable amendments to the Government Bill. So, instead of wasting time, I think it would be better to consider the suggestions incorporated in this Bill along with the Government Bill when it comes up for discussion.

The Hon'ble Nawab MUSHARRUFF HOSSIAN, Khan Bahadur: Sir, my friend Mr. Nur Ahmed has pointed out to us that the Bill that has come up from the Lower House, viz., the Bengal Money-lenders Bill, 1939, has not satisfied him and he wants to make a further amendment. The Lower House has dealt with it in a certain way and has passed the Bill as it has thought fit. The Lower House was not satisfied with the rate of 8 and 12 per cent. interest. The rate has been reduced to 8 and 10 per cent. That, I think, ought to satisfy him. But his complaint is that the Lower House has made exceptions in the case of some loans and some Banks. The Bill has

come now to the Upper House. If any amendment is made in this House, it will go back to the Lower House. So, if my friend thinks that the Bill that has come from the Lower House requires some amendment, he can even now send in amendments to that effect and try to get them passed by this House. I hope, my friend will kindly withdraw his motion and will try to improve the Bill that is before this House by sending in amendments embodying his suggestions on this subject.

Mr. NARENDRA CHANDRA DATTA: It is too late for that now.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It is not yet too late. It is just 3 p.m. It may be late by just a minute. (Laughter.)

My friend will be in possession of the amendments already tabled within three days and if he picks and chooses some of them, he will be able to satisfy himself. I hope, he will kindly withdraw this Bill which everyone considers to be unnecessary at this stage. Even my friend, Rai Bahadur Keshab Chandra Banerjee, has proposed that it should be considered along with the Bengal Money-lenders Bill which is already before this House. I do not know what my friend intends to do. If he withdraws the Bill now, it will not materially affect his case. After the House has fully considered the Government Bill, if he is not satisfied with the form of the Bill as it finally emerges from the House, he can bring in an amending Bill afterwards. So, at this stage such a Bill is unnecessary. I hope, therefore, that he will withdraw his Bill.

Mr. NUR AHMED: Mr. President, Sir, in view of the statement made by the Hon'ble Minister, I beg leave of the House to withdraw my motion for consideration of the Bill and not the Bill itself. A similar Bill is before the House—

Mr. PRESIDENT: Order, order. Argument is unnecessary. Is it the pleasure of the House to grant leave to Mr. Nur Ahmed to withdraw his motion that the Bengal Money-lenders (Amendment) Bill, 1937, be taken into consideration?

(Cries of "No objection.")

The motion was then, by leave of the House, withdrawn.

The Indian Registration (Amendment) Bill, 1938.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that the Indian Registration (Amendment) Bill, 1938, be taken into consideration.

Sir, the amendments I propose consist of the addition of a new chapter (Chapter XIA) after Chapter XI. This new chapter consists of four new sections with provisions for copying documents by means of photography.

As I have explained in the Statement of Objects and Reasons, the provisions of this Bill have been adopted from the Bombay Act of 1930 (Act XVII of 1930). The Madras Legislature also has passed a similar measure. It is strange that Bengal with all her progress in science has not yet introduced these wholesome provisions in her own Government. Apart from the excellence of the method of copying documents as they are by photography, the cost of keeping a large establishment of copyists by hand or type-writing will be very considerably reduced as one machine does the work of a large number of men. I hope that this Government should give a trial to this method of photography and thereby retrench the expenditure without in any way inspiring the efficiency but rather improving the efficiency of the department in the matter of the copying of documents. I hope my reasons will commend themselves to the House and to the Government for the consideration of the Bill.

Mr. PRESIDENT: Motion moved: that the Indian Registration (Amendment) Bill, 1938, be taken into consideration.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the Bill is a short one and we are prepared to concede that it represents an attempt to introduce a new system by which documents may be preserved, not merely as regards their contents but also a facsimile as much as possible by means of photography. As the honourable member has observed, there are two provinces where there are provisions of a similar character, viz., Bombay and Madras. The Madras Act has been in force since about 1921 and the system of copying documents by means of photography has been introduced only in 39 offices of the province as an experimental measure. It appears that the system has not been found to be satisfactory and this is the only explanation of the fact that it has not been more extensively introduced to other offices. Under this system, documents are forwarded by the Registering Officer to a Central Government Photograph Office at Poona in Bombay where they are photographed by the film process. The film is preserved as a permanent record. The photo register and the original documents with their final copies are returned to the Sub-Registrars who in their turn return the original documents to the parties and preserve the prints in bundles as registered books.

It is understood also that the system has been introduced in the Presidency of Madras but as the periodical reports of the Registration Department of the Presidency of Madras are not ordinarily received

in our office, we are not aware of any details about the working of the system in that province. Now, Sir, the obvious comment which I have to make is not merely regarding the question of cost, but also the likely result of throwing thousands of copyists, clerks and mohurrirs out of employment if this system is accepted as a substitute for the present system of copying. Either we have to retain the present system and over and above that introduce a system of preserving a copy by photography or we have to introduce the system of photography as a substitute for the present system. If we adopt the latter method, it is obvious that people will be thrown out of employment in very large numbers. If we adopt the other method, it will be expensive either to Government or to the parties and I do not think any sufficient case has been made out for introducing this system in addition to the system that is now in force. All things considered, we find it difficult to accept the main principle of the Bill or to consent to its being put on the Statute book. We agree that the idea is good and we are prepared to make enquiries from Bombay and Madras as to the reasons why they have not been able to extend it and I am also prepared to look into the matter and find out the question of cost on which we have been working, but which we have not yet completed. If the honourable member will accept my suggestion and withdraw the Bill, we may furnish the House with particulars on these points and then it will be open to the honourable member to take such further action in future as he may be advised. At the present moment, I am constrained to oppose this Bill.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, from what we have heard from the Hon'ble Minister, it appears that some enquiries will be taken up by Government and it is possible that experiments will be made in one or two places as regards its cost and efficiency; and then, if Government is satisfied that its adoption will improve the position and better and more correct copies will be available to the parties by this method, I think, Government may bring in a Bill or if permitted, I can bring in a fresh Bill. That Bill will be circulated for eliciting public opinion and then placed before the House for its consideration. So, I have no objection to accept the suggestion of the Hon'ble Minister and withdraw my motion.

Mr. PRESIDENT: Is it the pleasure of the House that leave be granted to Rai Surendra Narayan Sinha Bahadur to withdraw his motion that the Indian Registration (Amendment) Bill, 1938, be taken into consideration?

(Ories of "No objection".)

The motion was then, by leave of the House, withdrawn.

The Bengal Prohibition Bill, 1938.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that the Bengal Prohibition Bill, 1938, be referred to a Select Committee consisting of—

- (1) The Hon'ble Mr. P. D. Raikut, Minister-in-charge of the Forest and Excise Department,
- (2) Alhadj Khan Bahadur Shaikh Muhammad Jan,
- (3) Khan Sahib Abdul Hamid Chowdhury,
- (4) Khan Bahadur M. Abdul Karim,
- (5) Mr. W. B. G. Laidlaw,
- (6) Mr. Naresh Nath Mookerjee,
- (7) Rai Brojendra Mohan Maitra Bahadur,
- (8) Raja Bhupendra Narayan Sinha Bahadur,
- (9) Mr. Nux Ahmed,
- (10) Mr. Shrish Chandra Chakraverty, and
- (11) the mover,

with instructions to submit their report by the 31st December, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, I desire to say something in relation to this Bill. Prohibition was one of the principal items in the plank of the Indian National Congress. It passed a resolution on that subject so far back as 1912. Sir, no step, however, was taken to carry the resolution into effect. Public opinion in the meantime, however, was gathering volume and momentum and so we find that in 1925, a very largely-signed memorial was submitted to the Viceroy urging Prohibition and in the same year a non-official resolution was passed in the Central Legislature.

Sir, three years after when the All Parties Conference met, Prohibition figured as a fundamental item in its deliberations. It was, however, left to Mahatma Gandhi to urge all Provincial Governments under the Congress charge to translate into action what was one of the election pledges of the Congress, namely, Prohibition, with the result that the Madras Government under Shree Rajagopalachariar took up legislation and enforced Prohibition, which entailed a loss of Rs. 66 lakhs in revenue which was made up by tapping other sources and by reducing expenditure.

Bombay and the Central Provinces followed suit and it is well-known how in spite of opposition from very powerful quarters, the scheme of Prohibition, entailing a loss of Rs. 25 lakhs in the case of the former and of Rs. 9½ lakhs in the case of the latter, is being

rigorously enforced. The Hon'ble Home Minister of Bombay seemed to think that the loss, both direct and indirect, in the case of Bombay was no less than Rs. 120 lakhs, but he observed that the merchants gained no less than Rs. 320 lakhs on account of Prohibition by reason of the increased purchasing power of those who gave up drink.

Sir, this points to a moral. With the giving up of the drink-habit, the addicts become not only moral but at the same time more healthy and more efficient and, therefore, capable of earning more money. There is peace and happiness in the family where ere this there was bestiality and quarrel.

Take another instance. The United Provinces lost Rs. 37 lakhs in revenue over their Prohibition scheme. There, Prohibition was first introduced in two districts and then extended to four more districts. In spite of this loss, the Government there have been going on more efficiently by adopting a policy of rigid economy and by tapping other sources of revenue without touching the poor. Similarly, in Bihar there was a loss of Rs. 10 lakhs, in Orissa about Rs. 9½ lakhs and in Assam Rs. 14 lakhs; in the case of the latter, the restrictions imposed being in respect of *ganja* and *bhang*.

Compared with them, the efforts of the Bengal Government seem to be trifling and ridiculous. Sir, excise contributes about one-sixth of Bengal's revenue and the experiment tried at Noakhali has resulted in the licences of only six liquor shops being cancelled entailing a loss of Government revenue to the extent of Rs. 4,000 only. On the other hand, I am sorry to remark they have refused so far to take any steps with regard to the cancellation of the licences of 32 shops selling opium, *ganja* and *bhang* which yield a revenue of Rs. 32,000 in Noakhali every year.

The necessity of Prohibition is urgent now, because the drink-habit has not become widespread in the countryside, although it is very rampant in big towns and business centres. The evil must be nipped in the bud. Taking India as a whole, its necessity has come from the fact that while in 1920, the Excise yielded a revenue of Rs. 69 millions, it was Rs. 235 millions in 1928 and Rs. 1,000 millions in 1934. The object of this Bill is to introduce in Bengal the principle of Prohibition as the drink evil is detrimental to the best interests of people residing in it. In this connection, I may inform the House that instead of amendments to the existing Acts, separate legislation has been undertaken for two reasons. Firstly, as prohibition is to be confined for the present to the traffic and use of liquor alone, it will be convenient to have a special Act regulating the matter. Secondly, it is felt that a momentous measure of this nature should have the approval of the Legislature in a more impressive form than would be possible in the case of an amendment to an Act framed to conform to an entirely

different attitude towards the question. The Bill is modelled on the lines of the Bills which were passed in Madras and subsequently followed in the Central Provinces. It will give the Government authority to introduce Prohibition only in selected areas, and with power to extend to several other areas if the experiment is found to be successful. Sir, it penalises all traffic in and consumption of liquor but at the same time, it provides for exemption of rectified spirit for medical, scientific and industrial purposes; for exemption in regard to the purchase, consumption and possession of liquor to Europeans and members of the Military, Naval and Air Forces; for the grant of personal permits to those who in the opinion of Government may be specially exempted and permitted to keep and consume foreign liquor and for the issue of licences to clubs and other institutions to possess foreign liquor and issue it to its members. These concessions will be made only in favour of those who by long habit cannot dispense with the use of foreign liquor and who are not likely to abuse them. These, in short, are the provisions that have been incorporated in this Bill.

I must, Sir, in conclusion congratulate the Government for having given me this opportunity for bringing this Bill and thus enabling me to make an attempt to bring the Government into line with others in India.

MR. PRESIDENT: Motion moved: that the Bengal Prohibition Bill, 1938, be referred to a Select Committee consisting of—

- (1) The Hon'ble Mr. Prasanna Deb Raikut, Minister in charge of the Forest and Excise Department,
- (2) Alhadj Khan Bahadur Shaikh Muhammad Jan,
- (3) Khan Sahib Abdul Hamid Chowdhury,
- (4) Khan Bahadur M. Abdal Karim.
- (5) Mr. W. B. G. Laidlaw,
- (6) Mr. Naresh Nath Mookerjee,
- (7) Rai Brojendra Mohan Maitra Bahadur,
- (8) Raja Bhupendra Narayan Sinha Bahadur,
- (9) Mr. Nur Ahmed,
- (10) Mr. Shrish Chandra Chakraverti, and
- (11) the mover,

with instructions to submit their report by the 31st December, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I at this stage object to the honourable member moving this motion, because he has not taken previous sanction of the Governor? As this

Bill involves expenditure from the revenues of the province, under section 82 (3) of the Government of India Act, 1935, this Bill cannot be moved without such previous sanction.

MR. PRESIDENT: What are the particular provisions in this Bill which, in your opinion, offend against section 82 (3) of the Government of India Act, 1935?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I draw your attention to clause 4 of this Bill? It says, "The Provincial Government may by notification appoint an officer called Prohibition Commissioner"; so, that there is here the provision for appointment. Under sub-clause (c) of clause 4, Government may appoint paid or honorary officers with such designations, powers and duties as may be prescribed. That involves expenditure from the public revenues.

MR. PRESIDENT: Any other clause?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are other clauses also. Prohibition entails expenditure. Without expenditure you cannot bring this legislation into operation. Government will have to appoint not only superior officers but also a large number of menial staff. If this Bill is passed and becomes the law of the land, it would involve expenditure.

MR. PRESIDENT: You are referring to section 82 (3) of the Government of India Act, 1935. It says: "A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a province shall not be passed by a Chamber of the Legislature.....". That makes a distinction between introduction and passing. According to this section, a Bill shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill. Further, my attention has been drawn by the office to the fact that I admitted its introduction only. I find that the meaning of the section is clear. The motion before the House is not for passing of the Bill. It is only for reference to a Select Committee. It may so happen that unless the honourable member, who has given notice of this Bill, obtains the Governor's sanction, then in the Select Committee they may move for the exclusion of particular passages that offend against this section regarding expenditure of money. Will the Hon'ble Minister please explain how he can object to the Bill being referred to the Select Committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My submission is that by reference of the Bill to the Select Committee the House will get committed to the principle of the Bill. In the section I quoted, it

is mentioned that if a Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a province, it should not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill.

Sir, reference to Select Committee is an important stage in a Bill. If the House accepts this motion, then the House will get committed to the principle of the Bill and the House will be considering the principle underlying the Bill at this stage. So, unless the word "consideration" is interpreted in a very narrow and technical sense, this is a motion for the consideration of the measure. That is my submission.

Mr. PRESIDENT: I have considered the point raised by the Hon'ble Minister. My study of Parliamentary procedure convinces me that there are cases where except a few sentences of the preamble, every other clause of a Bill has been materially altered in the Select Committee. So, it is clear that there cannot be any valid objection to this Bill at this stage. The motion now before the House will only commit it to the principle underlying the Bill and not to the clauses. So, this objection is not order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the motion moved by the honourable member. The House is probably aware that Government are already experimenting on Prohibition and they have actually introduced it in one district, namely, Noakhali. The honourable member, the mover of the Bill, himself recognises the necessity of such experiment as is evident from the Statement of Objects and Reasons of this Bill in which he says: "The Bill is modelled on the corresponding legislation in regard to Prohibition in the Central Provinces which followed the Madras line, It gives Government the authority to introduce Prohibition in selected areas with power to extend it to other areas as time and experience enable such extensions to be made." So, the honourable member himself recognises that before Government finally accept Prohibition as a policy or try to accept it as a practical measure, they must acquire some amount of experience and knowledge. Government have already started experimenting in one district. So, it will be a mistake, if I may submit with very great respect, for the House to accept this Bill and thereby commit itself to the principles of the measure without giving the Government an opportunity to find out how things work at least in one district. Government have certainly undertaken the experiment with a view to extend the measure to other districts if the experiment proves a success. So, the whole thing hinges on the results of the experiment. It would rather be putting the cart before the horse if the principles of this Bill are accepted at this stage. So,

I would request honourable members to bear this fact in mind that Government have already agreed to experiment with Prohibition in one district and they have agreed to sacrifice some amount of Government revenue over it but before they commit themselves finally to this principle, they must be convinced that this is going to be a success.

With these few words, Sir, I oppose the motion and I would request the honourable members to vote against the motion.

Mr. HUMAYUN KABIR: Sir, I regret that I cannot regard the speech of the Hon'ble Sir Bijoy Prasad Singh Roy as anything but astonishing. He has certainly given us news. The Hon'ble Chief Minister and other Ministers on behalf of the Cabinet have said to the country on more occasions than one that the Government are committed to the principle of Prohibition, but to-day Sir Bijoy comes and tells us that if this House is committed to the principle of Prohibition, it would be committing itself to something to which the Government are not prepared to commit themselves.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: I rise to a point of personal explanation, Sir. I did not say that the House would commit itself to the principle of Prohibition but to the principle of this measure.

Mr. HUMAYUN KABIR: I accept the correction but even then my criticism would remain. The main purpose of this Bill is to introduce Prohibition over the whole of Bengal. With regard to the machinery which may be set up in order to make Prohibition effective, you yourself have just now pointed out that there is nothing sacrosanct about the Bill. In the Select Committee any amount of changes may be introduced in order to make it acceptable to the opinion which the Government have with regard to the suitability of such machinery. Therefore, Sir, from whatever point of view we look at it, this Bill is concerned with the main question of Prohibition in Bengal and the principle involved is the principle of enforcing the same in Bengal. Therefore, Sir, if Sir Bijoy will oppose the principle of this Bill, he will, in effect, even though he has not said it in actual words, be opposing the principle of Prohibition, and I think, Sir, Government cannot be a party to what Sir Bijoy has said. Government is committed to the principle of Prohibition, and I would request the Hon'ble Premier since he is present here to-day, to elucidate the point of view of Government on this matter. It may be that there are certain defects in Mr. Das's Bill. That is why he has moved for reference to a Select Committee where these defects can be remedied.

Then, with regard to the other point that it would be like putting the cart before the horse, I again fail to see any logic in what Sir Bijoy has said. The experiment at Noakhali was made 2½ years ago or at

least two years ago when Government enforced Prohibition on a Lilliputian and minute scale. One cannot but call it Lilliputian because there are only four wine shops in Noakhali, and the total revenue to Government derived from that source used to be only Rs. 4,000 a year. As against that, there are in Noakhali itself a large number of excise shops which deal with opium and *ganja*, as pointed out by the honourable mover of this Bill. These have not been touched at all. This Bill is based on the spirit of the experiment which Government introduced two years ago. If after two years of experiment on a small scale, Government do not want this movement to grow, if Government do not want this experiment to be extended to the other districts, or to the other aspects of the Prohibition problem in the district of Noakhali itself, I think that the corollary which everyone will draw will be that Government do not want to accept the principle of Prohibition. They are keeping to the letter of the law but breaking the spirit. Will they tell the honourable mover and the House and the electorate, "We believe in Prohibition and yet we do not think that Prohibition should be enforced in the province as a whole?"

I think, Sir, the Bill which the honourable member has moved gives sufficient scope to Government. It is not necessary that Prohibition should be introduced in every district in Bengal just now. It proposes that it should be extended to those areas which Government think suitable but the only idea is that the principle of Prohibition should be definitely accepted and some practical shape should be given to this principle. We must have some proof of the bona-fides of Government and I am constrained to say that, as a result of our experience for the last 2½ years, proof of this bona-fides has not yet been given. I think that for that reason this Bill has been moved, and I would request Government to accept this Bill or, at any rate, accept the principle underlying the Bill and send it to a select committee where I am sure they will adopt such amendments as they want.

With these words, Sir, I support the motion moved by Mr. Lalit Chandra Das.

Mr. PRESIDENT: Khan Bahadur Ma'ulvi Muhammad Ibrahim has given notice of an amendment but unfortunately it offends against section 56 of our rules. On a select committee we can only have eleven members. In his amendment the Khan Bahadur wants to add two more members. So, his amendment is out of order.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, even if my friend Mr. Humayun Kabir had not made some reference to me, I would have intervened in this debate in order to make the position of Government clear in order that we may not be misunderstood.

Sir, as a Moslem and, I hope, a sincere Moslem, I am extremely anxious that not merely the members of this House but the great world outside should accept the principle of "no-drink" which is one of the main pillars of our Faith. There is a good deal of loose talk about Prohibition, and I wish to place before the House the knowledge and the experience that we have gained in matters relating to a policy of this kind. Let me make it abundantly clear, and let me emphasise as strongly as possible, that the Hon'ble Sir Bijoy Prasad Singh Roy is not opposed to the policy of Prohibition but to the principle underlying this Bill. It is one thing to agree that there should be Prohibition in the land; it is quite a different thing to agree that the object should be attained by a particular Bill or by a particular method. Therefore, I would ask the House to remember that although we are opposing the provisions of this Bill,—the principle underlying the method in which the Bill has been drafted,—we do not for a moment say that Prohibition is not a good thing or that it is not the duty of Government to see that Prohibition is enforced in the country.

Passing, Sir, from the theoretical comments, let me place certain facts before the House. A little more than two years ago, in the course of a debate on a cut motion on the budget I declared in the Legislative Assembly that the introduction of Prohibition is one of the accepted policies of our Government. In pursuance of that announcement, we tried to find out a suitable area for the purpose of carrying on the experiment. Let me explain to the House that Prohibition cannot be introduced merely by a stroke of the pen or merely by promulgating some kind of law or Ordinance that the people shall not drink. There are people who are addicted to drink, and there are people who would forego a morsel of food but would not agree to give up even an ounce of drink. I was once travelling on board an ocean liner and I was told that one of the most effective methods of punishing the sailors was to pour water into their wine cellar. They would agree to go without food but not without wine. I do not want to say that this propensity is universal, but where it exists. Now, if you introduce Prohibition in any area, you must have two sets of officers in order to carry out your policy—one set of officers must see that there is no sale or purchase of drink and the other set of officers to see that there is no surreptitious introduction into or surreptitious sale of drink in that area. If you take up any particular district what you have to do is to have a large body of officers in order to see that the principle of Prohibition is strictly carried out and a much larger body of officers placed all along the boundaries of the district; so that there may not be illicit traffic from outside. Unless you introduce Prohibition all over Bengal simultaneously and also prevent liquor coming into Bengal from the neighbouring provinces, this is the policy that you will have to adopt. Bearing all this into consideration, we

chose Noakhali, the reason being that on two sides the sea and we had not to arrange for any protection whatsoever in those directions. In Noakhali—it is a small district but it is not correct that we lost revenue only to the tune of Rs. 4,000 a year—we lost Rs. 30,000 but then we had to spend very much more in order to see that liquor is not imported from Comilla or from Chittagong. As a matter of fact, it has resulted in a loss of revenue to the tune of Rs. 30,000 and also extra cost of something more than that amount.

Mr. LALIT CHANDRA DAS: In how many years?

The Hon'ble Mr. A. K. FAZLUL HUQ: In two years. We have been thinking of extending the Prohibition operations either to Comilla or to Chittagong,—we have not yet been able to decide to which district. Possibly, we shall extend the operation to one of the two districts. It is true that it is a slow process, but, Sir, I do not make any comment on any religious system different from our own, but I claim that in the history of the world there was only one instance in which a man's word absolutely wiped out the drink habit, and that was the voice of our Holy Prophet. He gave out the Command that the people shall not drink and drink was stopped from that moment but feeble mortals as we are, we cannot make people give up their habit of drinking simply by a fiat or a mere stroke of the pen.

Now, Sir, a good deal has been made in the press, and we have been ridiculed because Bombay has undertaken prohibition.

Mr. LALIT CHANDRA DAS: Why Bombay alone? Six other provinces also have done it.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, I know that. I am taking the provinces one by one. Mr. Das does not know but I know. I had been to Bombay and even in Bombay I have been told that although Prohibition has been introduced, what are the people doing? They now carry on much better traffic in illicit traffic on the sea. They go out to the sea a few miles away and there carry on the traffic because it is outside the prohibited area.

Mr. LALIT CHANDRA DAS: Question.

The Hon'ble Mr. A. K. FAZLUL HUQ: In Madras, there has been breaking of heads and people have been sent to jail, but I do not think that even in Madras Prohibition has succeeded to any appreciable extent.

Mr. LALIT CHANDRA DAS: Why don't you do it yourself?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as Bengal is concerned, we do not stand on sentiments. We claim to be practical men. A Government cannot be carried on by mere sentiments. As a mere expression of sentiment, it is all very good to have Prohibition with flags and little boys crying "Prohibition Zindabad" (laughter), but this does not bring in Prohibition. People should be taught that drink is an evil, and it is from the moral point of view and by putting moral pressure and not by bringing in a legislation of this kind that you will succeed in introducing Prohibition. Let us wait for the day. (Laughter.)

Now what I propose to do is this. I would ask my honourable friend to consider this. I am sorry that in spite of my ardent sympathy with the object which he has in view, we have been constrained to oppose the motion. But that does not mean that we are opposed to what he has in view. We entirely agree with him that there must be some kind of Prohibition and somehow or other by moral persuasion or by force or even by legislation poor people should be made to give up this very bad habit of drinking. If my friend will give us time, we want to proceed not as slowly as we have done in the past but possibly we may quicken the pace and if that will satisfy my friend we might take up Comilla and Chittagong. We might give preference to Comilla, my friend's district, out of deference to his wishes. That is the honour that we can do to my friends Mr. Lalit Chandra Das and Mr. Kamini Kumar Dutta.

Mr. LALIT CHANDRA DAS: Why not Barisal?

The Hon'ble Mr. A. K. FAZLUL HUQ: Barisal is a bad district to take up because the people of Barisal are not very much amenable to reason.

Mr. SRISH CHANDRA CHAKRAVERTI: That we know very well.

The Hon'ble Mr. A. K. FAZLUL HUQ: Therefore, Sir, I think that although my friends here may vote against the motion, we are all with the mover in his desire and attempt to bring about Prohibition. All that the Bill wants is that Government should take certain powers to do certain things. We will take them; that is to say, I give this assurance to the House that we will take up one or two districts in the near future and will introduce Prohibition there also. Let us see how on an extended area, viz., in the districts of the Chittagong Division, it works. I may ask the House to remember that Bengal is not at the present moment in a position to incur any heavy financial responsibility. In the first place, we have been hard put to it in order to

find money for primary education. The method of introducing primary education—free and compulsory primary education—is beset with great difficulties. Wherever we want to impose the cess, objections come and even after the cess has been introduced, objections come with the result that the whole system is on the point of breaking down. We will have to get Rs. 3 or 4 crores a year for the purpose of primary education. Then, there are various other things. We are not lucky like Bombay or Madras. We have got a rigid land revenue system and we cannot get one single pice from that source. The other provinces are free to introduce taxation and enhance the revenue, but we are not. Therefore I would ask—

Mr. HUMAYUN KABIR: What about agricultural income-tax?

The Hon'ble Mr. A. K. FAZLUL HUQ: At the present moment, I must say that the landlords are hit already. If we want to squeeze them further, we will have to consider the net result of that measure. So far as the tax on agricultural income is concerned, I don't say anything at the moment. I am not committed to it one way or the other. All I say is that at present our resources are limited. I would ask the House to consider whether in these circumstances it would be wise to saddle the Government with further responsibility and expenditure. From that point of view, I would ask my honourable friend to withdraw the motion and have a conference with us to find out what we have been doing and what we intend to do. Sir, having given him the assurance that his main objective will be kept in view by the Government, I would join Khan Bahadur Ataur Rahman in asking my friend to withdraw the motion.

Khan Bahadur 'ATAUR RAHMAN: Please do. Don't waste time.

Mr. LALIT CHANDRA DÁS: Sir, the Hon'ble Premier has asked me to withdraw this motion. Unfortunately, Sir, I find myself quite unable to comply with his request. The Hon'ble Sir Bijoy Prasad Singh Roy referred to the experiment at Noakhali. If the experiment at Noakhali be looked into, it would be seen that the Government really have no heart behind this experiment; because, at Noakhali, so far as my information goes, there has been a cancellation of licences with respect to only 6 liquor shops whereas they have refused to cancel the licences with respect of 32 shops which yielded a revenue of Rs. 30,000 per year and these shops deal in *ganja*, *bhang* and other narcotics which ruin the health of the illiterate classes of the people. That is a solid fact and the House must consider whether this experiment is a mere make-believe or is really an earnest experiment by the Government with a view to bring about Prohibition. At

a time when the rest of India is very earnest, at a time when Bombay sacrifices over a crore of rupees, at a time when Madras, the Central Provinces and other provinces sacrifice lakhs of rupees by adopting Prohibition, Bengal only lags behind; Bengal only shows an expenditure of Rs. 4,000. At the same time, they refuse to abolish those shops which require to be abolished. My submission is, that as a matter of fact the experiment that the Government are making is a mere make-believe.

Then, another point that has been made by the Hon'ble Premier is about the loss of revenue and in this connection the question of free and compulsory primary education has been brought before the House to scare the members away. Even if this Bill be given up, the members of the House may rest assured that no greater step will be taken for the purpose of introducing free and compulsory primary education in Bengal. If they really mean to give us free and compulsory primary education in Bengal, there are other means which my friend may look into. One of the means is to tax agricultural incomes; another means is to earmark the jute tax and the third means—and that would be the most effective means conceivable which would enable the Government to actually realise their desire for a free and compulsory primary education—is to nationalise the jute industry. Once the jute industry is nationalised, I am quite sure this free and compulsory primary education problem will be very easy of solution. So, Sir, when the Premier actually tells the members of this House that they will be very hard hit by this expenditure, they should not be scared away. What after all is the measure? In this measure, all that has been urged is the acceptance of the principle of Prohibition and to experiment with it in certain particular areas. It would be open to Government, if the experiment succeeds in particular districts, to extend it to other districts. This is what has been done in the Central Provinces and this is what is being done in Bombay. Therefore, Sir, when it is only a question of the acceptance of the principle of Prohibition, the House should not be scared away by arguments which are not relevant to the purpose of this Bill.

Sir, with these few words, I submit that this Prohibition Bill should be referred to the Select Committee.

Mr. PRESIDENT: The question before the House is: that the Bengal Prohibition Bill, 1938, be referred to a Select Committee consisting of—

- (1) The Hon'ble Mr. Prasanna Deb Raikut, Minister in charge of the Forest and Excise Department,
- (2) Alhadj Khan Bahadur Shaikh Muhammad Jan,
- (3) Khan Sahib Abdul Hamid Chowdhury,

- (4) Khan Bahadur M. Abdul Karim,
- (5) Mr. W. B. G. Laidlaw,
- (6) Mr. Naresh Nath Mookerjee,
- (7) Rai Brojendra Mohan Maitra Bahadur,
- (8) Raja Bhupendra Narayan Sinha Bahadur,
- (9) Mr. Nur Ahmed,
- (10) Mr. Shrish Clandra Chakraverti, and
- (11) the mover,

with instructions to submit their report by the 31st December, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The House divided:—

AYES—10.

Chakravarti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Dutta, Mr. Bankim Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.

Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Poddar, Mr. H. P.
Roy, Amulya Dhona.

NOES—23.

Ahmed, Mr. Meebahuddin.
Baksh, Mr. Kader.
Chowdhury, Mr. Khorsheed Alam.
Chowdhury, Mr. Hamidul Huq.
Oshon, Mr. D. J.
D'Rozario, Mrs. K.
Hossain, Mr. Latafat.
Hunter, Mr. H. C. A.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Anaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.

Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Momin, Begum Hamida.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Khan Bahadur Mukhlisur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Roy, Rai Bahadur Radhica Bhushan.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Baliswar.

The motion was negatived.

The Bengal Primary Education (Amendment) Bill, 1937.

Mr. NUR AHMED: Mr. President, Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

- (1) The Hon'ble Mr. A. K. Fazlul Huq, Minister-in-charge of the Education Department,
- (2) Dr. Radha Kumud Mookerji,
- (3) Begum Hamida Momin,
- (4) Maulana Muhammad Akram Khan,
- (5) Mr. Humayun Kabir,

- (6) Rai Sahib Indu Bhusan Sarkar,
- (7) Khan Bahadur Ataur Rahman,
- (8) Mr. W. F. Scott-Kerr,
- (9) Khap Bahadur Maulvi Muhammad Ibrahim,
- (10) Mr. Kader Baksh, and
- (11) the mover,

with instructions to submit their report within two months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this is a very simple amending Bill the main principles of which I explained at length before the House when once before I moved a similar Bill for reference to a Select Committee. That was long ago.

I shall very briefly recapitulate the main features of the Bill. In this Bill, power has been given to Government to provide compulsory facilities for spread of mass education within municipal areas; power has also been given to Government to direct municipalities to submit a scheme within the course of five years and to appoint a school committee as defined in the Bill. These are the main principles of the Bill.

As the time is very short, I will only refer to the recommendations made by the Hartog Committee, for creating public opinion about compulsory primary education in Bengal. It will appear from those recommendations that they asked Government to enforce compulsion in the matter of primary education in the municipal areas. It will also appear that in this respect other provinces are ahead of Bengal.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Before I put the motion to the House, I would draw the attention of the honourable member to refer to section 56 sub-section (2) of our rules where it is stated ".....other members of the select committee shall be named as members in the motion proposing the appointment of the committee in such a manner as to represent, as far as possible, the different parties in the Council." In this motion, the principal Opposition Party has been given only one place.

Motion moved that the Bengal Primary Education (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

- (1) The Hon'ble Mr. A. K. Fazlul Huq, Minister-in-charge of the Education Department,
- (2) Dr. Radha Kumud Mookerji,
- (3) Begum Hamida Momin,

- (4) Maulana Muhammad Akram Khan,
- (5) Mr. Humayun Kabir,
- (6) Rai Sahib Indu Bhūsan Sarkar,
- (7) Khan Bahadur Ataur Rahman,
- (8) Mr. W. F. Scott-Kerr,
- (9) Khan Bahadur Maulvi Muhammad Ibrahim,
- (10) Mr. Kader Baksh, and
- (11) the mover,

with instructions to submit their report within two months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I have received notice of an amendment from the Hon'ble Mr. A. K. Fazlul Huq which, for special reasons, I shall permit him to move.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the Bill be re-circulated for eliciting public opinion thereon by the 30th June, 1940.

Sir, so far as the Bill is concerned, the Statement of Objects and Reasons makes it clear that the main object of the honourable member is to provide for compulsory attendance at a school of children of the ages between 6 and 11 within the course of five years and also to make provision for religious instructions in primary schools.

Now, Sir, before you can make education compulsory, you must give facilities to the people for imparting the education which you want to make compulsory. It is no use asking people to send their children to schools if for some reason or other they have got no schools within their reach to which to send their boys. Before, therefore, compulsion can be applied, it is necessary that provision should be made for schools within easy reach of boys and girls of tender age. What is now the position? The honourable member has himself admitted that since the Act was passed in the year 1919, now 19 years ago, out of 128 municipalities only one municipality, namely, the one which the honourable mover himself represents, has been able to introduce free primary education for boys alone within the municipal area. The other 127 municipalities have not come forward to take any steps to have primary schools introduced within the municipal limits. The reason has been that this scheme, according to which compulsion is to be introduced on the basis of a contribution of half and half by Government and the municipalities, has not worked satisfactorily. As the honourable member has himself admitted in his Statement of Objects and Reasons, local bodies have not come forward to contribute their half of the contribution which is preliminary

to the Government contributing the other half. In these circumstances, it is doubtful whether it is possible to introduce free primary education even for boys in municipal areas unless Government undertakes to find practically the whole of the cost. This again would be an enormous sum, and when this Bill was circulated on a previous occasion, we received opinions from a few persons and very restricted associations. The public at large did not seem to be very much impressed with the necessity or even if they were impressed with the necessity of primary education, they did not come forward either to accept the scheme or suggest any other alternative method. In these circumstances, Sir, considering the financial implications involved, I would ask the honourable member to accept my suggestion and accept the motion for re-circulation, and when public opinion has been further elicited and we can find out roughly the position where we stand we may be able to consider what further steps to take in the matter of the introduction of primary education in municipal areas.

With these few words, Sir, and assuring the honourable mover and the honourable members of this House that we are not unmindful of our duty in seeing that primary education is introduced not merely in rural but also in municipal areas, I would ask the honourable member to consent to my motion being accepted by the House.

Mr. PRESIDENT: Amendment moved: that the Bill be re-circulated for eliciting public opinion thereon by the 30th June, 1940.

The question before the House is the motion: that the Bengal Primary Education (Amendment) Bill, 1937, be re-circulated for eliciting public opinion thereon by the 30th June, 1940.

The motion was agreed to.

Khan Bahadur ATAUR RAHMAN: May I get your permission, Sir, to introduce my Bill? There are several Bills for introduction and Bill No. 17 stands in my name. If I get your permission, Sir, I can move it.

Mr. BANKIM CHANDRA DATTA: May I move my Bill first, Sir, in view of the fact that there is a privilege Bill standing in my name? If my honourable friend kindly gives in and allows me to move this Bill in preference to his, I can move it. This is a Bill which concerns the rights and privileges of this House, and so I do not think that he will object to this particular Bill being moved first.

Mr. PRESIDENT: As a special case, I permit these two Bills being moved,

Mr. HAMIDUL HUQ CHOWDHURY: May I make the same request with regard to the Bill standing in my name?

Mr. PRESIDENT: Order, order. You can move it after these two Bills are introduced.

The Bengal Ferries (Amendment) Bill, 1939.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move for leave to introduce the Bengal Ferries (Amendment) Bill, 1939.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal Council Powers and Privileges Bill, 1939.

Mr. BANKIM CHANDRA DUTTA: Sir, I beg to move for leave to introduce the Bengal Legislative Council Powers and Privileges Bill, 1939.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal Stock Brokers Bill, 1938.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move for leave to introduce the Bengal Stock Brokers Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1939.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move for leave to introduce the Bengal Patni Taluks Regulation (Amendment) Bill, 1939.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

**The Eastern Bengal and Assam Disorderly House (Amendment)
Bill, 1939.**

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1939.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: I adjourn the Council till 2-15 p.m. on Wednesday, the 6th December, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 6th December, 1939.

Members absent.

The following members were absent from the meeting held on the 1st of December, 1939:—

- (1) Khan Bahadur Naziruddin Ahmad.
- (2) Rai Bahadur Manmatha Nath Bose.
- (3) Mr. Humayun Reza Chowdhury.
- (4) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
- (5) Nawabzada Kamruddin Haider.
- (6) Khan Bahadur Saiyed Muazzamuddin Hossain.
- (7) Mr. Mohamed Hossain.
- (8) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (9) Dr. Radha Kumud Mookerjee.
- (10) Rai Bahadur Satis Chandra Mukherji.
- (11) Mr. K. C. Roy Chowdhury.
- (12) Mr. W. F. Scott-Kerr.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 6th December, 1939, at 2-15 p.m. being the sixth day of the Third Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Further questions which remained unanswered during the May-July Session, 1939, with their answers.

Communal ratio for recruitment to public services.

142. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

- (a) what was the existing ratio for recruiting Muhammadans to public services before the Bengal Cabinet's present decision in regard to service ratio;
- (b) in what branches of public service, competitive examination is held now;
- (c) what stands in the way of immediate extension of the system of competitive examination in all branches of the public service with a view to ensure selections from among the qualified candidates.
- (d) why competitive examinations on communal basis will be held;
- (e) whether it is a correct reading of the Cabinet's decision that in the selection of individuals already in Government service for promotion from one service to another, promotions will be made on merit alone with due regard to seniority; and
- (f) whether it is also a correct reading of the Cabinet's decision that any excess over 50 per cent. obtained by non-Muslims in the matter of promotions by merit with due regard to seniority shall be counter-balanced by additional reservations for Muslims over and above 50 per cent. in direct appointment to that service?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Generally speaking, the existing ratio was 45 per cent. for Provincial Services, and 33½ per cent. for ministerial appointments except that the percentage for ministerial appointments in the districts of Burdwan Division ranged from 33½ per cent. to 15 per cent. and that for the Chittagong Hill Tracts was 4 per cent.

(b) Competitive examinations are held for recruitment to the Bengal Civil Service (Executive), Bengal Junior Civil Service, Bengal Police Service, Bengal Excise Service, Bengal Junior Excise Service, Upper Division in the Secretariat (Clerical Service, Lower Division Clerical Service of the Secretariat and certain other offices of Government including stenographers and typists attached to the Secretariat offices.

(c) and (d) The hon'ble member is referred to paragraph 6 of the communique, and the answer to (b) above. The Provincial Services for which at present examinations are not prescribed require special or technical qualifications in the candidates.

(e) and (f) Yes.

Mr. LALIT CHANDRA DAS: With reference to answer (f), will the Hon'ble Minister be pleased to state, if it is counter-balanced by additional reservations for Muslims over and above 50 per cent. in direct appointment to that service, how it is fifty-fifty per cent. of the services for new entrants?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as direct recruitment is concerned, it is always on the 50 per cent. basis according to the new decision taken by Government. With regard to promotion, as has been indicated in the answer, it is based upon merit coupled with seniority. If the figure does not come up to that standard, the balance will be made up by giving half to the community which does not get it.

Protection of the Indian settlers in Burma.

143. Mr. NUR AHMED: (a) With reference to his replies to my question No. 150 answered on the 2nd May, 1939, will the Hon'ble Minister in charge of the Home Department be pleased to state if he proposes to make a strong representation to the Government of India to take such steps as they think proper to protect Indian life and properties at present in Burma?

(b) Has the attention of the Hon'ble Minister been drawn to the report of the Enquiry Committee mentioned in the said reply to my said question? If so, will he be pleased to state what is the amount

of loss suffered by the Bengalee settlers in Burma and also the number of persons who lost lives and the number of persons who were injured during the recent riots in Burma?

(c) Has the attention of the Hon'ble Minister been drawn to the activities of a section of the Burmese people designed to restrict the immigration of Indians to Burma?

(d) Will the Hon'ble Minister be pleased to state what further steps since August last he has taken to safeguard the interests of the Bengalee settlers in Burma?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) No.

(b) The hon'ble member is referred to the interim and final reports of the Committee, copies of which have been placed on the Library table. The reports provide statistics in appendices X and XI but in so far as loss and injuries to Bengalees are concerned, the figures are merged in those of Indians generally, except in the case of the financial claims of the Bengalee settlers in Rangoon itself, which are given as Rs. 7,66,163.

(c) and (d) No. The matter of immigration into Burma, Sir, is not within my special cognisance, but I understand that the Government of Burma intend to set up a Commission to enquire into the problem of Indian immigration into Burma and that the appropriate Department of this Government have requested that the Government of Bengal should be consulted after the Commission has reported and before any decision is taken on its report.

Arrest of Babu Rasamay Majumdar of Noakhali.

144. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department kindly state—

- (a) whether Babu Rasamay Majumdar was arrested on 7th June last at police-station Senbag, Noakhali, on a charge of sedition and preaching class-hatred;
- (b) whether Sj. Majumdar was confined in the Senbag police lock-up, and had to pass the night there on the bare and damp floor and whether his clothings, beddings, mosquito-curtains, even a hand-fan, offered by his people for his use were refused by the local thana officers; if so, why;
- (c) whether Sj. Majumdar was led from Senbag police-station to Noakhali under handcuff and with a rope tied round his waist; if so, why;

- (d) whether Sj. Majumdar was ordered to walk thus handcuffed and tied with rope from Senbag police-station to Chauhani railway station, a distance of 10 miles, on 8th June at noontime and under the sun until Sj. Majumdar's relations paid the taxi-fare for carrying him and his police escorts;
- (e) whether Sj. Majumdar was carried through the town of Noakhali with handcuffs on and rope round his waist to the local thana and the Court;
- (f) whether on an application filed on his behalf, the trying Magistrate directed him to be classified as Division A prisoner;
- (g) whether after that he was carried from the Court premises to the jail on foot sharing the same handcuff with another person accused of robbery, and a rope was again tied round the waist of Sj. Majumdar, if so, why;
- (h) whether bail was refused to Sj. Majumdar even though responsible lawyers were ready to stand surety for him; and
- (i) whether Sj. Majumdar is a graduate, was a teacher in a high school previous to his detention, and happened to be the Secretary of the District Kisan Sabha, and a prominent public man in the district?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) He was arrested in the evening and detained in the lock-up for the night. The room was quite dry with a *pucca* floor and he was provided with blankets as well as a pillow furnished by the Officer in charge. His relatives did not offer any bedding, etc., and no such offer was consequently refused.

(c) He was led handcuffed and roped for a small part of the journey as the escort party had reason to apprehend from the attitude of a hostile crowd that an attempt might be made to rescue the prisoner.

(d) He was despatched from thana at 6-5 a.m. and was taken in a taxi as soon as one was available. The relatives of the prisoner provided a taxi before the escort party had been able to procure one for which they were looking out.

(e) and (g) No.

(f) Yes.

(h) Yes. Bail was refused as the warrant on which he was arrested was non-bailable.

(i) He is a graduate, was a teacher in a village high school before detention and is the Secretary of a so-called District Kisan Sabha.

Mr. LALIT CHANDRA DAS: Arising out of answer (c), will the Hon'ble Minister be pleased to explain how roping a respectable person can prevent him from being rescued by a hostile crowd?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the answer is obvious. You have more control over the person if you are holding him by a rope than if you are to let him loose; and if you are separate from the man, four people might collect round him and he is off.

Mr. LALIT CHANDRA DAS: Can you prevent him from being rescued if the crowd is really hostile? Was not this roping really intended to insult him for nothing?

The Hon'ble Khwaja Sir NAZIMUDDIN: There would have been no occasion for it if there had not been any hostile crowd making demonstration thereby giving the impression that they were out to rescue him.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how many were escorting him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Replies to questions of the Current Session.

The distinction between foreign and Indian qualifications.

35. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

- (a) whether his attention has been drawn to the resolution recently moved and carried at the instance of the Bombay Government whereby the distinction so long prevailing between Indian and foreign qualifications has been removed; and
- (b) if the answer be in the affirmative, whether the Government of Bengal proposes to adopt a similar step in this Province to do away with such distinction?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): I have not seen the resolution referred to. I propose to obtain a copy of the debate on the motion in the Bombay Legislative Assembly and study the question.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state if, after the question has been studied, he would be pleased to answer it without fresh notice?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think, that is a hypothetical question.

Overseas scholarships to married Moslem ladies.

36. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state how many scholarships for foreign training were awarded to women by Government during the last 10 years?

(b) How many of these scholarships, awarded to females for training in England and other foreign countries, were awarded to Moslem females and how many to Hindu females and how many to females of other communities?

(c) Is it a fact that under the present rules no scholarship for foreign training can be given to a married lady?

(d) If so, is the Hon'ble Minister aware that this rule prevents deserving Moslem ladies from enjoying these scholarships as most of them are married?

(e) If so, will the Hon'ble Minister be pleased to state whether he proposes to modify these rules in such a way as would allow the benefit of such scholarships be derived by married Moslem ladies? If not, why not?

(f) Is it a fact that very recently a very well-qualified but married Moslem lady has applied for one such scholarship? If so, will the Hon'ble Minister be pleased to state if he is going to consider the case favourably? If not, why not?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Four.

(b) Two to Moslems, one to a Hindu Brahmin and the other to a Brahmo.

(c) No.

(d) and (e) Do not arise.

(f) Several Moslem ladies applied for scholarships meant for Indian women this year. One of them was granted one of the two scholarships available.

Religious education in free primary schools.

37. Khan Bahadur ATAUR RAHMAN (on behalf of Khan Bahadur Saiyed Muazzamuddin Hosain): (a) Will the Hon'ble Minister in charge of the Education Department kindly state if any provision for teaching of the Holy *Quoran* is contemplated in the free primary schools?

(b) If so, does he propose to set apart 6 hours a week for religious education and to appoint a whole-time Munshi or Maulvi in every primary school for imparting religious education, especially teachings of *Quoran*?

(c) Is the Government aware that unless sufficient arrangements are made for the reading of *Quoran* and *Diniah*, the present primary education will not prove beneficial to Muslim children?

(d) Does the Government propose to continue the present Government aid to *mukhtabs* till proper arrangements for the teaching of *Quoran* and *Diniah* in the free primary schools are completed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes, provision for the teaching of the *Quoran* has been made in the new curriculum for primary schools and *mukhtabs*.

(b) Government have prescribed in the new curriculum four periods of 30 minutes each for the religious instruction of Muslims in all classes in primary schools and *mukhtabs*. Government do not propose the appointment of a whole-time teacher for religious instruction, but efforts will be made to ensure that at least one of the teachers of a primary school is trained to impart such education.

(c) Yes.

(d) Such *mukhtabs* as satisfy the grant-in-aid rules for the time being in force will continue to be entitled to grant-in-aid.

Separate Chamber for Council.

38. Rai Bahadur SURENDRA NARAYAN SINHA (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government has arrived at a final decision, as promised by it at the conference held for the purpose of discussing the question of the building of a separate Chamber for the Council with a view to holding simultaneous meetings of the Council and the Assembly?

(b) Will he be pleased to state whether the experiment so promised was actually carried out during the period referred to in the said statement of the Hon'ble the Home Minister?

The Hon'ble Khwaja Sir NAZIMUDDIN (a) and (b) No.

Release of political prisoners.

39. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department please state—

- (a) how many political prisoners are still in jail;
- (b) how many of them have been released during the last four months; and
- (c) how many cases are still under consideration of Government awaiting final orders for release?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (c) The hon'ble member is referred to the resolution No. 2262H.J., dated the 13th November, 1939, laid on the table in answer to question No. 8 of the current session of this House.

(b) 35 since July, 1939.

Mr. KAMINI KUMAR DUTTA: With reference to answer (c), will the Hon'ble Minister be pleased to state whether any case is still under the consideration of Government for showing clemency?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is only one such case, viz., that of Ambica Chakravarty.

Bengal Civil Service Examination.

40. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) whether it is a fact that in September last an advertisement was published in the newspapers inviting applications for the Bengal Civil Service, Bengal Junior Civil Service and other superior grade Services under the Government of Bengal;
- (b) if so, whether along with the advertisement and printed forms supplied, the number of vacancies for each Service was disclosed;

- (c) if not, the reason or reasons for not stating the number of vacancies before the fee was deposited by the candidates;
- (d) whether vacancies that are filled up by members of different communities for whom the posts are reserved are ever published for general information;
- (e) if not, the reason or reasons for not supplying such information in time before the candidates deposit their prescribed fees and send in their applications; and
- (f) when the statement showing the number of vacancies was first published?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) and (d) No.

(c) The number was still under examination.

(e) As the reservation of vacancies will be made in accordance with the published communique, dated the 12th June, 1939, no separate information on the point was required.

(f) 2nd October, 1939.

Forfeiture of the security deposit of newspapers.

41. Rai Sahib INDU BHUSAN SARKAR (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) the number of newspapers from whom fresh deposits have been asked since the 1st April, 1937, up to 31st October, 1939; and
- (b) the number of newspapers whose deposits have been forfeited during the same period?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Twenty-nine.

(b) One.

Purchase of Hastings House at Midnapore.

42. Rai Sahib INDU BHUSAN SARKAR (on behalf of Rai Bahadur Manmatha Nath Bose): (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if the Hastings House at Midnapore, which is now occupied by the Collector, has been purchased by Government for the Collector's residence? If so, at what cost?

(b) Was the attention of the Hon'ble Minister drawn to the Budget speech of the questioner (which is printed at page 269 of the Official Report, dated the 21st February, 1939), wherein serious objection was

raised, & g. reasons, to spending a huge sum unnecessarily at a time when the Government felt the necessity for imposing fresh taxation? If not, will he kindly refer to the same and assign reasons for purchasing the house?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (a) No.

(b) Does not arise.

Grant of loans in the affected areas of the Midnapore district.

43. Rai Sahib INDU BHUSAN SARKAR (on behalf of Rai Bahadur Manmatha Nath Bose): (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if the District Magistrate of Midnapore asked for any money for granting loans in the affected areas in the district of Midnapore, during this year? If so, what was the amount and how much was sanctioned and paid?

(b) Will the Hon'ble Minister be pleased to state what were the amounts asked for by the District Magistrate, Midnapore, for granting gratuitous relief in each subdivision of the district of Midnapore and what were the amounts actually sanctioned and paid?

(c) Did the Hon'ble Minister receive any report from the said District Magistrate about the condition of the people and the cattle in the affected areas? If so, will he be pleased to lay it on the table and send a copy of the same to the questioner?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Yes. The information is furnished below:—

	Rs.
Amount asked for	... 2,91,500
Amount sanctioned	... 2,91,500
Amount paid	... 2,78,000

(b) Name of sub-division.	Amount asked for.	Amount sanctioned.	Amount paid.
	Rs.	Rs.	Rs.
Ghatal	10,000	10,000	7,286
Sadar (North)			200
Sadar (South)			800
Tamluk			774
Jhargram			..
Total	..	..	9,060

(c) Yes. Government receive regularly reports about the agricultural and economic situation in the district from the Collectors.

Reports of this nature are not public documents; they are confidential correspondence from Collectors and it is not the practice of Government to divulge their contents. It is not therefore possible to place them on the Library table.

Realisation of selami in the khas mahal lands.

44. Khan Bahadur ATAUR RAHMAN (on behalf of Khan Bahadur Saiyed Muazzamuddin Hosain): (a) Will the Hon'ble Minister in charge of the Revenue Department kindly state if *selami* for newly settled lands in the *khas mahal*, particularly in the Noakhali district, is realised in full at a time instead of by instalments? Is he aware that it is causing hardship to the poor people with whom such lands are settled?

(b) Are instalments allowed to even ex-settlement employees who are given land?

(c) Is the Hon'ble Minister aware that the settlement-holders have to pay *selami* after borrowing from money-lenders of exorbitant rates of interest owing to the enforcement of the payment of the whole of the *selami* at a time?

(d) Is it a fact that the former policy of Government was to realise *selami* in four or five instalments; if so, why was that policy discontinued and the new policy adopted?

The Hon'ble Khwaja Sir NAZIMUDDIN, (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (a) *Selami* is realised in full at the time of settlement under rule 88 of the Crown Estates Manual. This is reported not to be causing any hardship to the settlement-holders, as is also evident from the fact that there is always a competition for taking settlement.

(b) and (c) No.

(d) Formerly, instalments were allowed for payment of *selami* in view of the fact that the lands were being gradually developed. But at present no land is settled unless it is fit for immediate cultivation and as such, no instalments are given except in special circumstances as provided in rule 88 of the Crown Estate Manual.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if it is not a fact that this policy of Government will debar the poorer people from getting any land?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a matter of opinion and I doubt if this view is correct, as no facts are available on this point.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state the reason for this differential treatment in regard to private landlords and Government so far as the question of *selami* is concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a matter for the Legislature. The Legislature thought fit to do away with the rights of the zemindars.

Mr. RANAJIT PAL CHOUDHURY: Is the *selami* fixed by Government or is it realised by public auction?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that the *selami* is fixed by Government.

Mr. RANAJIT PAL CHOUDHURY: What is the rate per *bigha* or acre?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether Government contemplate bringing forward a Bill to deal with this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I may draw the attention of the honourable members of this House to the fact that Government charge only *selami* as a rule on the occasion of the first settlement of land and not at every transfer.

Khan Bahadur ATAUR RAHMAN: May I request the Government to cause an enquiry to be made to find out whether the money-lenders and the richer people are getting the settlement and whether the really deserving poor people are debarred from getting any settlement?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, Sir, there is something in what the hon'ble member has said and Government will look into the matter.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether Government realise the *selami* for the transfer of Government lands leased to tenants?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the right to receive *selami* is also given to those who take settlement of *Khas Mahal* lands from Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I don't think so.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to say whether any representation has been received by Government from the *Khas Mahal* tenants to remit the *selami* in cases where necessary?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not that I am aware of.

State-aid to Industries.

45. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Industries Department be pleased to state how many existing industries are encouraged and developed by State-aid and how many new ones have been established by the present Government since its assumption of office and what are they? And what has been the total expenditure of the Government on those accounts so far?

(b) Will the Hon'ble Minister be pleased to state whether due to war, there is likely to be paucity of cloths, coal-tar, chemicals, paper, film materials, dyestuffs, etc., and consequent rise in these prices? How does Government intend to meet those difficulties?

(c) Is the Government aware that for the encouragement and development of industries, the Government of Japan started several mills for cloth, jute and other industries and later invited share-holders to take them up and subsequently released all of them from the State to the share-holders?

(d) Does the Government propose to avail itself of the opportunities afforded by the war and take the initiative in the matter of industrial development during the present crisis and frame a scheme for important industries in the immediate future?

(e) Does the Government propose to appoint without delay a committee consisting of the representatives of the Government, the important industries and the scientific departments of the Universities of Calcutta and Dacca together with some members of both the Houses of the Legislature to draw up a scheme for the purposes mentioned in paragraph (d)?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) A statement is placed on the Library table.

(b) The war is likely to restrict imports of these articles. The Industries Department will render all possible encouragement and assistance for the establishment and development of industries for the production of such articles in the Province so as to counteract the effect of their restricted import from foreign countries.

(c) I have no definite information in the matter.

(d) to (e) The attention of the member is drawn to the answer given to clauses (b) to (h) to the question No. 9 by Mr. Kamini Kumar Dutta answered on the 24th November, 1939.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to explain why the statement is laid on the Library table and not here, so that the members of this House may know what it is about?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, the general practice has been to place it on the Library table.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to say whether the Government will be pleased to change that rule and to place it here so that the members of this House may know?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If the Hon'ble President so desires and if the House also so desires, Government will consider this matter.

Embankment of the river Mayurakshi.

46. Mr. RANAJIT PAL CHOUDHURY: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that the embankment of the river Mayurakshi is a "protected" embankment in the district of Murshidabad?

(b) Is it a fact that the Government grants annually decent sums to the landlords concerned to repair the embankment?

(c) If the answer to the above be in the affirmative, will the Government be pleased to state the names of those *zemindars* and the amount of "Pull-bandi" allowance granted to each?

(d) Is it a fact that the lands and roads of many villages in Burwan, Bharatpur and Kandi police-stations are annually damaged on account of breaches in the embankment of the said river?

(e) What is the nature of control exercised by the Government to see that the *zemindars* repair the embankment properly?

(f) Has any check or control ever been exercised?

(g) If so, how many times has it been exercised?

(h) Is it a fact that the Government is thinking of abandoning its old policy and of not pressing on the *zemindars* to repair the embankment any more?

(i) Is the Government aware that many villages in the three thanas of Burwan, Bharatpur and Kandi will be entirely depopulated and the arable lands will be filled up with sand if this policy is pursued?

(j) Does the Government propose to issue a communique on the matter to allay the feelings of alarm caused by the report of the abandonment of its old embankment policy?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srishchandra Nandy, of Cossimbazar): With your permission, Sir, I propose to reply to questions Nos. 46 and 47 together.

I am making enquiries and will give the information desired in due course.

Rai Bahadur SURENDRA NARAYAN SINHA: Will the Hon'ble Minister kindly state when the result of the enquiry will be available and when the enquiry will be finished?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The enquiry was started on receipt of this question by the department. It is very difficult to give any idea of time, but we are trying our best to give the reply as soon as the enquiry is completed.

Flood in the subdivisions of Ghatal, Midnapore Sadar and Tamluk.

47. Rai Sahib INDU BHUSAN SARKAR (on behalf of Rai Bahadur Manmatha Nath Bose): (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if he is aware of the fact that huge tracts of land in the subdivisions of Ghatal, Midnapore Sadar and Tamluk have been flooded this year damaging the entire paddy crops of these areas?

(b) What is the area of the damaged tracts in each subdivision?

(c) Will the Hon'ble Minister be pleased to state the reasons why several areas in Sadar, Tamluk, Contai and Ghatal subdivisions in the district of Midnapore, especially the areas in the Ghatal subdivision, are flooded almost every year resulting in loss of crop, cattle and human life?

(d) Has the Hon'ble Minister examined how these damages can be prevented?

(e) Is the Hon'ble Minister aware that several embankments in the Ghatal subdivision are being abandoned every year?

(f) Is the Hon'ble Minister aware that, long after abandoning the embankment, the Public Works Department asked the Embankment Committee at Midnapore to sanction the abandonment which had already been effected? Did the Embankment Committee through the District Magistrate make any representation to the Government? If so, will the Hon'ble Minister kindly lay a copy of the same on the table? What steps has he taken on the same?

(g) Will the Hon'ble Minister be pleased to state if any Comprehensive Schemes have been prepared by the Special Officer? If so, what steps does he intend to take for bridging the river Silai which bifurcates the Ghatal town?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:
Vide reply to question No. 46.

Excise licensees in the districts of Hooghly, Howrah and others.

48. Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to place on the table a statement showing separately for each of the districts of Hooghly, Howrah, Burdwan, Birbhum, Bankura and Midnapore—

(a) the total number of existing licences of the following descriptions:—

- (i) *Pachwai*,
- (ii) Country spirit,
- (iii) *Ganja*,
- (iv) Opium,
- (v) *Bhang*,
- (vi) *Charas*, and
- (vii) Foreign liquor;

(b) the number of Caste Hindus, Muhammadans, Scheduled Castes and other communities, separately, among such licensees;

(c) the percentage of Caste Hindus, Muhammadans, Scheduled Castes and other communities among each of the above classes of licensees;

- (d) the nature (*pachwai*, country spirit, etc.), and number of the licences held by each of the above communities that terminated during the period from the 1st April, 1937, up to date;
- (e) the number of Caste Hindus, Muhammadans, Scheduled Castes and others classified as above who were appointed as licensees in the vacancies so caused; and
- (f) the percentage of each of the communities mentioned above, in the number appointed in the vacancies in the various nature of licences during the same period?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. Prasanna Deb Raikut): No information of the castes of vendors of Excise shops is kept in Excise offices.

Khan Bahadur NAZIRUDDIN AHMAD: I am very sorry that the Hon'ble Minister in charge of the department is absent. In view of the laconic answers, I think it will be very difficult for the acting Minister to reply to supplementary questions.

Mr. PRESIDENT: You need not assume that the Hon'ble Minister will not be able to reply.

Khan Bahadur NAZIRUDDIN AHMAD: Then I shall put a few supplementary questions.

Is there any book to show the number of licensees actually in existence in the district?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The number of licensees is kept in a register in the district office.

Khan Bahadur NAZIRUDDIN AHMAD: Are not the names of licensees given in such registers?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The names are shown in the registers.

Khan Bahadur NAZIRUDDIN AHMAD: Then, is it very difficult to find out the religion or the nationality of those licensees?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: What was wanted is the caste. The caste is never mentioned in the register.

Khan Bahadur NAZIRUDDIN AHMAD: Is it difficult for the office to know the different categories to which they belong?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In that way, it may be possible to give an approximate answer. But we will not be able to give correct information.

Khan Bahadur NAZIRUDDIN AHMAD: Is it difficult to distinguish Hindus and Muhammadans from the names?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It may be possible to distinguish Hindus from Muhammadans, but will not be so easy to find out to which caste the Hindus may belong?

Khan Bahadur NAZIRUDDIN AHMAD: Is it a fact that definite books are maintained in the district to show the number of Hindus, Muhammadans, Scheduled Castes and others, their numbers and names, separately?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Medical aid in rural areas.

49. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state what steps he has up to this time taken to provide cheap medical aid in rural areas?

(b) Does he intend to introduce a system of giving suitable subsidies to efficient and well-qualified *vaidyas*, *hakims*, Allopaths and Homeopaths who are prepared to settle in villages?

(c) If not, what other alternative schemes does he propose to introduce for the purpose? If not, why not?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. Tamizuddin Khan): (a) According to the existing scheme, subsidies and annual grants are paid by Government to all village and thana dispensaries which are reported to be eligible, having complied with the prescribed conditions. I can assure the hon'ble member that all eligible dispensaries will continue to receive the grant. A large share of the Government of India's First Rural Uplift Grant was also allotted for the purpose of encouraging by suitable capital grant the establishment of union board dispensaries throughout the Province. A fairly large number of dispensaries have been established as a result during 1936-38.

(b) No.

(c) (i) A scheme of capital grants towards establishment of union board dispensaries on the lines of the Central Government grant is now receiving the consideration of Government.

(*) A proposal made by the Director of Public Health for the reorganisation of the rural public health service, under which it is proposed to establish one treatment centre for every unit consisting of two union boards throughout the Province has been under the consideration of Government for some time and a decision is expected to be reached shortly.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will these treatment centres be under the control of the District Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I can say is that it is under the consideration of Government yet and as indicated in the answer, it will depend upon the decision that will be reached in the end.

Motion for adjournment for purpose of Debate.

Mr. PRESIDENT: Order, order. I have received notice of an adjournment motion from Mr. Srish Chandra Chakraverti which runs thus:—

“That this House do now adjourn to discuss a matter of urgent public importance, namely, unnecessary and abnormal rise in prices of commodities of daily necessity but no action taken by the Government in this matter and the possibility of breach of peace at any moment as a result of this.”

The Hon'ble Mr. H. S. SUHRAWARDY: I should submit Sir, this motion should be disallowed by you on a technical ground. I have no objection really to its discussion, Sir, but instead of moving an adjournment motion of this kind if the hon'ble member had tabled a short-notice question in order to find out what we were doing in the matter, he would have had all the facts laid on the table. I think, Sir, that this the unkindest cut of all that have ever been administered on the floor of this House, because if there is any one Government in the whole of India which has done something definite in this direction, it is this Government. And the extent to which the measures taken by us have been applied hitherto has resulted in a rebuke being administered to us by the Hon'ble Commerce Member of the Government of India, which I take to be a compliment to this Government. However, Sir, as the matter now stands, the motion states that “this House do now adjourn to discuss a matter of urgent public importance, namely, unnecessary and abnormal rise in prices of commodities, etc., etc.” It does not state when this unnecessary and abnormal rise took place. If it had taken place some time ago, then it should have been brought up as soon as it had taken place.

Mr. PRESIDENT: Mr. Chakraverti, what is your allegation? Did the rise take place all of a sudden in the nature of an emergency?

Mr. SRISH CHANDRA CHAKRAVERTI: Shall I move my motion, Sir?

Mr. PRESIDENT: No. You have not answered my

Mr. SRISH CHANDRA CHAKRAVERTI: As soon as the war was declared—

Mr. PRESIDENT: Order, order. The motion can be considered to be in order only if your allegation is that this rise in prices has occurred during last two or three days when the House was not sitting. You are to approach the House on the first available opportunity when an emergency happens. The statement that the rise in prices took place as soon as the war was declared, will not bring it technically under the rules.

Mr. SRISH CHANDRA CHAKRAVERTI: The price has been daily increasing, Sir. Day to day the prices are increasing. I may say that the prices increased yesterday and the day before yesterday. Really speaking, everyday the prices are increasing.

Mr. PRESIDENT: If you mean that you have received a complaint that the rise in prices has taken place during the last few weeks, I hold this motion to be out of order. Under the rules, the motion must refer to a definite matter of recent occurrence.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, now that you have ruled the motion out of order, may I be allowed to make a statement?

Mr. PRESIDENT: I am sorry, there is no motion before the House now on which the Hon'ble Minister can speak.

The Bengal Money-lenders Bill, 1939.

Mr. HUMAYUN KABIR: Sir, may I ask you about the amendments to the Bengal Money-lenders Bill which is to be taken up by this House to-morrow? We have not received them up till this morning. We must have a little time to consider what amendments have been tabled and what amendments should be supported. But as yet we have not received any list of the amendments.

Mr. PRESIDENT: I understand that the office received about 800 amendments and that the unconsolidated list has already been circulated to the members.

Mr. HUMAYUN KABIR: When were they circulated?

Mr. PRESIDENT: I understand that the office will get the amendments from the Press this afternoon and they will be circulated immediately after they are received.

Mr. NARESH NATH MOOKERJEE: May I submit, Sir, that under these circumstances it will be extremely difficult to consider the Bill to-morrow, because we certainly want some time to consider the amendments. I expect there will be very important amendments tabled. I submit, Sir, that you may consider the question of taking up the Bill on Monday.

The Hon'ble Mr. H. S. SUHRAWARDY: If the Opposition so desire and if hon'ble members of this House would like to have time to consider the various amendments, we would have no objection to the Bill being taken up on Monday, if you approve.

Mr. PRESIDENT: All right.

Report of the Committee on Public Accounts, etc.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, under rule 109 of the Bengal Legislative Council Procedure Rules, I beg to present to the Council the Report of the Committee on Public Accounts on the Appropriation of Accounts and Finance Accounts of the Government of Bengal for the year 1937-38 and the Audit Reports of the year 1938. I also beg to present to the Council the demand in respect of excesses over grants for 1937-38.

The Bengal Shops and Establishments Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to introduce the Bengal Shops and Establishments Bill, 1939.

(After a pause.)

Sir, I also gave notice of my intention to move at the current session of the Bengal Legislative Council that the Bengal Shops and Establishments Bill, 1939, be referred to a Select Committee consisting of—

- (1) Khan Bahadur Ataur Rahman,
- (2) Khan Sahib Subidali Molla,
- (3) Mr. Mohamed Hossain,
- (4) Mr. Krishna Chandra Roy Chowdhury
- (5) Maulana Muhammad Akram Khan,

- (6) Mr. Naresh Nath Mookerjee,
- (7) Mr. Kamini Kumar Dutta,
- (8) Mr. Humayun Kabir,
- (9) Mr. W. B. G. Laidlaw,
- (10) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, and
- (11) myself,

with instructions to submit their report by the 28th February, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be 5.

Sir, I would also request you to be good enough to waive the rule regarding the period of notice and to take it up at any time that may be suitable to yourself. Perhaps, as the motion for reference to a Select Committee is not likely to prove contentious and as we are giving ample time, viz., 28th February, 1940, for consideration of the Bill by the Select Committee, you may be pleased to take up the matter to-morrow or on Monday or any day that will suit you.

MR. PRESIDENT: The only motion that will be relevant to this motion will be one for circulation. So, I think, that if this motion is moved on Monday next, honourable members, if they so like, may give notices of amendments for circulation in the meantime. I think there is no objection to this motion being moved on Monday.

(Cries of "no objection.")

The Inland Steam Vessels (Bengal Amendment) Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Inland Steam Vessels (Bengal Amendment) Bill, 1939, be taken into consideration.

Sir, the Bill was introduced by me on the first day of the session on the floor of the House.

MR. PRESIDENT: The difficulty about your motion is that according to our rules, if you are to move for taking the Bill into consideration, there must be a notice for 21 days. Rule 52(2) says: "Save as provided in rules 61 and 77, the period of notice of a motion to take a Bill into consideration shall be twenty-one days....." and I do not think 21 days have passed. (Laughter.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, will you be good enough to relax the rule?

MR. PRESIDENT: I received notice of only one amendment to-day namely, that the Bill be circulated for the purpose of eliciting opinion

thereon by the 1st February, 1940. That notice could not be circulated to the honourable members. I would suggest that this matter also may be taken up on Monday.

The Hon'ble Mr. H. S. SUHRAWARDY: All right, Sir.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, in the meantime, copies of the Bill may be supplied to honourable members.

Mr. PRESIDENT: Copies have already been supplied to honourable members.

The Hon'ble Mr. H. S. SUHRAWARDY: On the first day, Sir.

Mr. PRESIDENT: And it has also been published in the Gazette.

The Bengal Workmen's Protection (Amendment) Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Workmen's Protection (Amendment) Bill, 1939, be taken into consideration. I gave notice of it on the floor of the House.

Mr. PRESIDENT: Is there any amendment?

Mr. NARESH NATH MOOKERJEE: Sir, in regard to this Bill, I wish you not to waive the rule as it is a very important measure and I do not think that the Hon'ble Minister wishes to rush this Bill through the House. We may be in sympathy with the Bill but we want some time to consider it and put in our amendments. With regard to the previous Bill, we had no objection but this one is very important.

Mr. PRESIDENT: The office has received notices of amendment from Rai Bahadur Surendra Narayan Sinha and Mr. Nur Ahmed which are also to be circulated. What time will suit you for taking them up?

Mr. NARESH NATH MOOKERJEE: Any day next week.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, we have already fixed Monday for taking up the Bengal Money-lenders Bill.

Mr. PRESIDENT: But these Bills will not take up much time.

The Hon'ble Mr. H. S. SUHRAWARDY: All right, Sir; these might be taken up on Monday.

Adjournment.

The Council then adjourned till 2-14 p.m. on Friday, the 8th December, 1939.

Members absent.

The following members were absent from the meeting held on the 6th of December, 1939 :—

- (1) Rai Bahadur Manmatha Nath Bose.
- (2) Mr. Hamidul Huq Chowdhury.
- (3) Mr. Humayun Reza Chowdhury.
- (4) Mr. Bankim Chandra Datta.
- (5) Mr. Narendra Chandra Datta.
- (6) Mrs. K. D'Rozario.
- (7) Khan Bahadur S. Fazl Ellahi.
- (8) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
- (9) Khan Bahadur Saiyed Muazzamuddin Hosain.
- (10) Mr. Mohamed Hossain.
- (11) Dr. Radha Kumud Mookerji.
- (12) Mr. E. C. Ormond.
- (13) Khan Bahadur Muklesur Rahaman.
- (14) Mr. J. B. Ross.
- (15) Rai Bahadur Jatindra Mohon Sen.
- (16) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 8th December, 1939, at 2-15 p.m., being the seventh day of the Third Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Commerce classes in the Islamia College.

50. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is intended to open evening classes in I. Com. and B. Com. in the Islamia College? If not, why not?

(b) Is it a fact that similar evening classes have been opened in Vidyasagar College, Calcutta, and also in some other colleges and that they have proved a great success?

(c) Is it a fact that there was a proposal of starting such evening classes in the Islamia College? If so, does the Government intend to give effect to the said proposal at an early date? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) and (c) Some time ago, it was proposed to start evening B. Com. classes in the Islamia College. The proposal was not, however, proceeded with in view of the proposed development of the Government Commercial Institute into a Commerce College as well as the recent decision of Government to transfer the Islamia College to a better site outside the city.

(b) Yes.

Frequent changes of text books in High schools.

51. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Will the Hon'ble Minister in charge of the Education Department kindly state whether he is aware that text books in High schools are frequently changed in Government-aided schools and is he also aware that such changes cause hardship to the poor students?

(b) Are not such changes often made with the object of patronising new authors?

(c) Do Government propose to introduce the system of prescribing common text books for both the Government and the Government-aided schools and do they propose to continue such books when once prescribed for at least five years to prevent monetary loss to guardians of the poor students?

(d) Does the Hon'ble Minister propose to prescribe such text books as are of minimum price from amongst the books approved by the Text Book Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq: (a) Text books for classes III—VIII of Government and Government-aided secondary schools approved by the Director of Public Instruction remain on the approved list for five years and no change is made in the list during that period. The actual selection of the books for individual classes for any year is made by the Head Masters for Government high schools and in the case of Government-aided high schools by the Head Masters with the approval of the Managing Committees.

(b) I have no such information.

(c) I am of opinion that a system of prescribing common text books for Government and Government-aided high schools would encourage monopoly. The Director of Public Instruction has, however, issued instructions to Government and Government-aided high schools that changes of text books for individual classes must not be made during the period of approval without the sanction of the controlling officer concerned.

(d) Prices of text books are charged according to rates prescribed by the Director of Public Instruction. Head Masters are not debarred from selecting such text books for their schools from the approved list as are of minimum price.

Orders under the Defence of India Rules.

52. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether the Government notification No. 4783P., dated the 5th September, 1939, published in an *Extraordinary Issue of the Calcutta Gazette*, dated the 6th September last, was issued on the basis of rule 56(1) of the Defence of India Rules framed under the authority given by the Defence of India Ordinance (Ordinance V of 1939);

(b) whether the said Ordinance V of 1939 has expired; if so, whether the Rules made thereunder have become *ipso facto* null and void;

- (c) whether the afore-mentioned Government notification embodying prohibitory orders for a period of six months commencing from the 6th September last with regard to public meetings, assemblies or processions has not become null and void with the expiry of the life of the said Ordinance; and
- (a) whether the Government proposes to withdraw the said notification; if not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes.

(b) and (c) No.

(d) Government do not propose to withdraw the notification in view of the present emergency.

Mr. LALIT CHANDRA DAS: If it is not withdrawn, will the Hon'ble Minister be pleased to explain how in the impending election for the members of this Council, election campaign can be carried on?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that this will in any way obstruct the election campaign of the members of the Legislative Council.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Home Minister aware that three days' notice is necessary for the purpose of convening a meeting? If so, is it not a fact that it will inconvenience members going from place to place and holding meetings?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a matter of fact, it will be helping members, because adequate notice will be given and it will ensure good audience.

Mr. LALIT CHANDRA DAS: How can meetings be held at different places in the mofussil if three days' notice is required? Are the members to go to the District Magistrate, give 3 days' notice and get their permission?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the hon'ble members arrange their programme of meetings, announce it in advance and take permission from District Magistrates three days before, they can go on from place to place and hold meetings.

Mr. LALIT CHANDRA DAS: Will it be wrong to suggest that this notification was issued for the purpose of stifling agitation for the release of political prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid, the hon'ble member is very much mistaken on this point.

Prosecutions against persons connected with newspapers.

53. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many prosecutions were started by Government on charges of sedition against persons connected with newspapers or editors, printers or publishers and how many prosecutions against others since the new Constitution came into existence?

(b) What are the names of the papers against which prosecutions were launched?

(c) In the prosecutions referred to in paragraph (a), how many were convicted and how many were acquitted?

(d) From how many Presses security money were demanded? What were the amounts of money demanded as security from those Presses?

(e) In how many cases was money forfeited? What are the names of those Papers? Was the forfeited money returned in any case? If so, in what case?

(f) Does the Government propose to allow more latitude to the Press and public men by discouraging wherever possible such prosecutions and forfeitures?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Nine against persons connected with the press. As regards others, the compilation of the information asked for would involve an expense of time and labour incommensurate with the result.

(b) Persons were prosecuted who are concerned with the *Advance*, the *Desh Darpan*, the *Hindusthan Standard*, the *Ananda Bazar Patrika* and the *Dainik Basumati*.

(c) Prosecution was withdrawn by Government in two cases. The accused were acquitted by the trying court in two cases. There was a conviction in five cases in the lower court, in four of which the conviction was set aside by the High Court on appeal.

(d) Seven; Rs. 9,500.

(e) Deposit of two newspapers was ordered for forfeiture. *Dainik Basumati* and *Ananda Bazar Patrika*. Yes. *Dainik Basumati*.

(f) Government exercise the utmost discretion in sanctioning prosecution.

Release of Sj. Sukhendu Dastidar.

54. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state when Sukhendu Dastidar of the Chittagong Armoury Raid Case was convicted and how long he is now in jail?

(b) What was the age of the said Sukhendu at the time of his conviction?

(c) Did the Court recommend clemency to be shown to the said Sukhendu along with Fakir Sen, Subodh Roy and Ranadhir Das Gupta who were similarly convicted in consideration of their tender age?

(d) Is it a fact that his fellow-convicts, the afore-mentioned Fakir Sen, Subodh Roy and Ranadhir Das Gupta, have been released by the Government—following the recommendation of the trying Court?

(e) Is it a fact that the conduct of the said Sukhendu Dastidar in jail is reported to be good?

(f) Does Government propose to release the said Sukhendu Dastidar? If not, how does his case differ from that of Fakir Sen, Ranadhir Das Gupta and Subodh Roy?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) He was convicted on 1st March, 1932, and has been in jail for more than 7½ years.

(b) 18 years.

(c) and (e) Yes.

(d) Yes, but on the representation of their parents who undertook to be responsible for them.

(f) No. In this case, Government did not consider that there was any ground for diverging from the recommendation of the Advisory Committee before whom the records of the three other prisoners released were also placed when considering this prisoner's case.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Home Minister be pleased to state what was the age of Sukhendu Dastidar at the time of his arrest? Was he not 14 years only?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think he was 16.

Mr. LALIT CHANDRA DAS: What was his age at the time of arrest, please?

The Hon'ble Khwaja Sir NAZIMUDDIN: The hon'ble member can get at the result himself.

Mr. LALIT CHANDRA DAS: Is it not a fact that his associates, Fakir Sen, Subodh Roy and Ranadhir Das Gupta, were released by Government before the Advisory Committee came into being, following the recommendations of the court for clemency?

The Hon'ble Khwaja Sir NAZIMUDDIN: The hon'ble member is correct.

Mr. LALIT CHANDRA DAS: Will the Government be pleased to state the grounds on which the Advisory Committee could not follow the recommendations of the court for showing clemency also to Sukhendu Dastidar?

The Hon'ble Khwaja Sir NAZIMUDDIN: I was not a member of the Advisory Committee, and so I regret, I could not give these grounds.

Mr. LALIT CHANDRA DAS: Is it not a fact that the grounds were stated by the Advisory Committee for refusing to show clemency to Sukhendu Dastidar?

The Hon'ble Khwaja Sir NAZIMUDDIN: I don't think so.

Mr. LALIT CHANDRA DAS: Is it not a piece of good luck for Ranadhir Das Gupta, Fakir Sen and Subodh Roy that they were released by Government before the Advisory Committee came into being?

The Hon'ble Khwaja Sir NAZIMUDDIN: I don't think so.

Mr. LALIT CHANDRA DAS: May I take it that Sukhendu Dastidar would have been released by Government had there been no Advisory Committee, following the recommendations of the court for showing mercy along with Fakir Sen, Subodh Roy and Ranadhir Das Gupta?

The Hon'ble Khwaja Sir NAZIMUDDIN: I may draw the attention of the hon'ble member to the fact that all these three had served a considerable period of their sentence before they were released,

and at the time of the release of these three people the case of this prisoner, namely, Sukhendu Dastidar was also considered; but, Government found no justification in this case to exercise clemency.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the terms of sentences of all these three prisoners were the same?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe so.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state with reference to answer (d), whether in the case of Sukhendu Dastidar also, his father made a representation to the Government for his release undertaking that he would remain responsible for his son Sukhendu Dastidar in the same way as the parents of Fakir Sen, Subodh Roy and Ranadhir Das Gupta did?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state that if he really finds that his father also applied in the same way as the parents of Fakir Sen, Subodh Roy and Ranadhir Das Gupta stating that he would remain responsible for the conduct of his son Sukhendu Dastidar, his case for release would be considered?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is not possible, because the circumstances of this case are to a certain extent different from the others. In this case, the record of the members of the family of this prisoner is very bad. As late as 1937 two other members of the family were reported to be active members of the Yugantar Party and two of his cousins are still reported to be members of the same party.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state, if not on the recommendation of the surety of the father, on whose surety would the Government be pleased to consider the release of Sukhendu Dastidar?

The Hon'ble Khwaja Sir NAZIMUDDIN: On no one's surety, Sir.

Clerical staff of the Burdwan Collectorate.

55. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (a) the number of higher grade posts, including the posts of the Office Superintendent, Head Assistant, Accountant and Treasury Stamp Clerk, in the Burdwan Collectorate;
- (b) the number of such posts held by Muslims, Scheduled Castes, Caste Hindus and others;
- (c) the number of Muslims who occupied such posts within the last ten years;
- (d) whether there is any Muslim holding such a post at present;
- (e) when the last Muslim, who occupied such a post, left the service;
- (f) how many of such posts have been filled up since the retirement of the last Muslim and the names of men who were promoted to such posts;
- (g) the number of Muslims, Scheduled Castes, Caste Hindus and others among such promoted clerks;
- (h) the position of the promoted clerks in the gradation list at the time of such promotion;
- (i) whether there were any Muslim clerks who were senior to these promoted clerks; and
- (j) whether the Government proposes to make an independent inquiry to ascertain the justification of the supersession of the senior clerks, if any?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Seventeen.

- (b) All held by Caste Hindus.
- (c) One.
- (d) No.
- (e) December, 1929.
- (f) There were altogether 19 occasions to fill up the vacancies in these posts. A statement furnishing the names is placed on the table.
- (g) All are Caste Hindus.
- (h) The information is furnished in the statement referred to in the answer to clause (f).
- (i) Yes, in the Lower Division only.
- (j) Government do not consider it necessary to make an independent enquiry in the matter.

Statement referred to in the reply to clauses (f) and (h) of question No. 55.

Serial No.	No. in the gradation list at the time of appointment.	Names of promoted clerks.	Year in which promotion was made.	Posts to which promoted.
1	2	3	4	5
1	9 (Lower Division)	Babu Jyotirmoy Ghosh	1930	Ordinary Upper Division.
2	47 (Ditto) ..	Babu Bijaychand Batabyal.	1931	Ditto.
3	40 (Ditto) ..	Babu Kamalapada Dutta	1931	Ditto.
4	26 (Ditto) ..	Babu Narayanchandra Bhattacharji.	1932	Ditto.
5	11 (Ditto) ..	Babu Upendranath Chatterji.	1933	Ditto.
6	40 (Ditto) ..	Babu Santoshkumar Das	1933	Ditto.
7	13 (Ditto) ..	Babu Gopalchandra Mukherji.	1934	Ditto.
8	3 (Ditto) ..	Babu Udaysasi Hazra	1936	Ditto.
9	2 (Ditto) ..	Babu Bhutnath Roy ..	1936	Ditto.
10	5 (Ditto) ..	Babu Rampada Ghosh	1938	Ditto.
11	107 (Ditto) ..	Babu Susilranjan Panja	1939	Stamp Clerk.
12	22 (Ditto) ..	Babu Kantichandra Addya.	1939	Ordinary Upper Division.
I	8 (Upper Division)	Babu Jamunikanta Dutta.	1930	Selection Grade Accountant.
II	4 (Ditto) ..	Ditto ..	1933	Head Assistant.
III	9 (Ditto) ..	Babu Panchikari Chatterji.	1933	Accountant.
IV	2 (Ditto) ..	Babu Jaminikanta Dutta	1937	Office Superintendent.
V	5 (Ditto) ..	Babu Atulchandra Ghosh	1937	Head Assistant
VI	7 (Ditto) ..	Babu Ramprāsanna Mukherji.	1938	Accountant.
VII	5 (Ditto) ..	Babu Pravatranjan Dutt	1939	Head Assistant.

Khan Bahadur NAZIRUDDIN AHMAD: With reference to answer (i), will the Hon'ble Minister be pleased to state the significance of the words "in the Lower Division only"?

The Hon'ble Khwaja Sir NAZIMUDDIN: It only means that some senior Mussalmans were also in the Lower Division.

Khan Bahadur NAZIRUDDIN AHMAD: Has the Hon'ble Minister noticed in the statement attached to the reply that in many cases men considerably down in the 'Lower Division have been accepted for promotion?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe the hon'ble member is correct.

Khan Bahadur NAZIRUDDIN AHMAD: Is the Hon'ble Minister aware that according to the statement given there have been considerable occasions on which supersessions of senior candidates have taken place?

The Hon'ble Khwaja Sir NAZIMUDDIN: If I may just explain the previous answer, there are people in the Upper Division who have been promoted as Head Assistants, Superintendents and Accountants. That was the significance of the word "only". There are senior men in the Lower Division only.

Khan Bahadur NAZIRUDDIN AHMAD: Is it a fact that on many occasions seniority was disregarded in the matter of promotion?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the list given, the assumption is correct.

Khan Bahadur NAZIRUDDIN AHMAD: Are not some of these cases very glaring?

The Hon'ble Khwaja Sir NAZIMUDDIN: I should not think so, because they must have been considered by the head of the department before promotions were made.

Khan Bahadur NAZIRUDDIN AHMAD: Apart from the considerations of so-called merit, were not the supersessions glaring from the position held by these clerks in the gradation list?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult to generalise in a matter like this.

Khan Bahadur NAZIRUDDIN AHMAD: May I point out one instance to the Hon'ble Minister? A man holding the rank of 107 in the gradation list has been promoted. Obviously, it is very strange that a man so low in the gradation list should have been promoted superseding the claims of others.

The Hon'ble Khwaja Sir NAZIMUDDIN: The post is that of a stamp clerk, and for this post I think people are required to furnish security. It may be just possible that no one was available to give the security.

Khan Bahadur NAZIRUDDIN AHMAD: Is the Hon'ble Minister aware that there were other candidates who were prepared to furnish the security and their claims were disregarded although they were seniors?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the hon'ble member will furnish detailed information, Government will look into such cases.

Khan Bahadur NAZIRUDDIN AHMAD: With regard to answer (j) is not the refusal of Government to consider the cases and make an independent enquiry too curt a reply to the request?

The Hon'ble Khwaja Sir NAZIMUDDIN: Unless and until some tangible facts are placed before the Government to show that injustice has been done, it is very difficult to accept the suggestion for an enquiry. As has been stated more than once, promotions are made on grounds of both seniority and merit; and by merely looking at the list if honourable members say that people considerably down in the gradation list have been promoted, it does not bear the assumption that an injustice has been done in making the promotions. But if facts and figures are given which would fairly make out a case that injustice has been done, then I am sure Government will look into those cases.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state if Government is prepared to institute an enquiry to ascertain the facts?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that will be right without a case having been made out that there is necessity for it. Government must assume that their responsible officers like District Magistrates and heads of departments act fairly and justly. If on every complaint that is made an enquiry is held, then heads of departments and District Magistrates will lose all confidence. Therefore, fairly good case must first be made out before Government could institute an enquiry.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if the facts as revealed in the answer itself do not show

sufficient ground for a Government enquiry? No 47 is promoted from the third list and then again after two years he is promoted to the second place. Then comes No. 107 as referred to. Does it not reveal facts which warrant an enquiry independently by Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so. As I have stated, unless it is shown that in the case of a particular promotion, clerks so and so have been superseded and it is shown that they had good records and had received good chits from their superior officer Government can look into those cases; but if it is asked in a general way to have an enquiry into all cases of promotion, it would not be fair to the officers concerned.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, are you to take it that those persons who are higher up in the list were promoted later on on account of their seniority only and that they were not all efficient?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not. Here again I may say that promotion depends on various factors. It may be that for a particular post that was vacant and for which the clerk was required, a senior man was not suitable for the work but when the next vacancy occurred, this man could do that work. So, naturally he was given preference.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: From the list we find that for ordinary Upper Division posts, no clerk who occupied a senior position in the list was appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Quite true. But it may be that these Upper Division clerks might have been doing that particular kind of work. Supposing, somebody had been doing a particular kind of work, e.g., the work of the Court of Wards, I am merely giving an illustration. It may be that a particular clerk may not be qualified to do that work.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are we to suppose that a senior clerk is not allowed to work in different departments to acquire knowledge of those departments?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is quite possible that they may not have to work in different departments.

Khan Bahadur SAIYED MUZZAMUDDIN HOSAIN: In order that there may not be any injustice to senior clerks, would it not be better to fix a rule that the case of no junior Lower Division clerk would be considered for promotion unless he has put in, say, ten years' service, so that very junior clerks may not supersede senior men due to the likes and dislikes of the officers concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: I agree fully with the hon'ble member that very junior clerks should not be promoted because promotion should be based on two considerations—seniority and merit and not merely on merit or not merely on seniority. As the suggestion has been made, Government will look into the matter and see whether such a rule can be made.

Mr. KADER BAKSH: From the answers given by the Hon'ble Minister to the supplementary questions, are we to understand that no injustice was done to any of the clerks when promotion was given on these lines?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government assume that their officers do not do injustice to their subordinate officers.

Estates which applied to come under the management of the Court of Wards.

56. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (a) the number of Estates that have applied to come under the management of the Court of Wards since September, 1938;
- (b) the number of Estates that have actually been taken over by the Court of Wards for management since that date;
- (c) the names of all such Estates so taken over;
- (d) the reason or reasons that have been set out by the owners of those Estates for coming under the management of the Court of Wards;
- (e) the number of Estates that have come under the management of the Court of Wards during the five years before September, 1938; and
- (f) the number of Estates that have been released from the management of the Court of Wards during the five years prior to September, 1939?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Thirty-one.

(b) Eighteen.

(c) and (d) A statement is laid on the table.

(e) Forty-three.

(f) Thirteen.

Statement referred to in the reply to clauses (c) and (d) of question No. 56, showing the estates that applied to come under the Court's management and taken charge of since September, 1938.

1. Estate of Babu Harinarayan Mazumdar Chowdhury and another (Narayandahar Estate No. II, Mymensingh).

Charge taken in September, 1938.

Grounds—Co-sharer with Narayandahar Estate Nos. I and III under the Court—Better arrangement for clearing joint ancestral debt.

2. Estate of Babu Jogendra Nath Tewari, Chittagong.

Charge taken in December, 1938.

Grounds—The ancestors of the petitioner rendered valuable service to Government—Minor's interest.

3. Estate of Rai Sir Satya Charan Mukherjee Bahadur (Mukherjee Wards Estate, Uttarpara).

Charge taken in January, 1939.

Grounds—Indebtedness and physical defect of two of the proprietors and the third engaged in Government work at Delhi and Simla.

4. Estate of Surja Prasanna Bajpai Chowdhury (Parerhat Wards Estate, Bakarganj).

Charge taken in March, 1939.

Grounds—Political services.

5. Estate of Maharaja Sir Prodyot Kumar Tagore, K.C.I.E., Calcutta (Tagore Raj Wards Estate).

Charge taken in April, 1939.

Grounds—Historical importance—Heavy indebtedness.

6. Estate of Babu Narendra Narayan Mazumdar Chowdhury (Narayandahar Wards Estate No. III, Mymensingh).

Charge taken in April, 1939.

Grounds—Co-sharer with Susang Baratahabil Estate under the Court. One of the proprietors is of unsound mind and declared by the District Judge to be a lunatic.

7. Estate of Babu Chandi Prosad Sinha Roy, of Chandernagore (Singh Roy Wards Estate, Hooghly).

Charge taken in May, 1939.

Grounds—Indebtedness.

• 8. Estate of Babu Satya Tapan Ghosal, Bakarganj.

Charge taken in June, 1939.

Grounds—Co-sharer estate—Protection of minor's interest.

9. Estate of Chakma Raja Nalinaksha Roy (Chakma Raj Estate, Chittagong).

Charge taken in July, 1939.

Grounds—Importance of family as head of the Chakma *Mugh*s.

10. Estate of Rai Radhika Bhusan Roy Bahadur and others (Tarash Wards Estate, Pabna).

Charge taken in July, 1939.

Grounds—Important family; indebtedness and protection of minor's interest.

11. Estate of Mr. Satyendra Chandra Ghosh Maulik, C.I.E. (Bhulua Wards Estate, Noakhali).

Charge taken in July, 1939.

Grounds—Indebtedness.

12. Estate of late Maharaja Sir Manmatha Nath Roy Choudhury, of Santosh (Santosh Wards Estate No. I, Mymensingh).

Charge taken in July, 1939.

Grounds—Heavy indebtedness. Public service rendered by the late Maharaja.

13. Estate of Mr. Pramatha Nath Roy Chaudhury, of Santosh (Santosh Estate No. II). (Brother of late Maharaja.)

Charge taken in July, 1939.

Grounds—Heavy indebtedness.

14. Estate of Srimati Binapani Dasi (Janbazai Wards Estate No. I).

Charge taken in August, 1939.

Grounds—Indebtedness—Protection of minor's interest.

15. Estate of Mr. Narendra Nath Mitter of Jhamapukur. (Jhamapukur Wards Estate).

Charge taken in August, 1939.

Grounds—Old age of the proprietor and his inability to manage the estate. The family is well known for its charities and philanthropy.

16. Estate of Hon'ble Minister P. D. Raikut (Baikunthapur Wards Estate, Jalpaiguri).

Charge taken in September, 1939.

Grounds—Heavy indebtedness.

17. Estate of Babu Dharani Mohan Roy (Rammohan Roy Wards Estate).

Charge taken in September, 1939.

Grounds—Historical importance of the family. Indebtedness and protection of minor's interest.

18. Estate of Birendra Kishore Dutta Chaudhury and others (Rouha Wards Estate, Mymensingh).

Charge taken in October, 1939.

Grounds—Co-sharer of Narayandahar Estate No. III—Protection of minor's interest.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state if Government are satisfied with the management of the Court of Wards?

The Hon'ble Khwaja Sir NAZIMUDDIN: Under the circumstances and as far as possible everything is being done, but there is certainly room for improvement.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state how many indebted estates have been released in a solvent condition?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

The Campbell Hospital.

57. Begum HAMIDA MOMIN: (a) Is the Hon'ble Minister in charge of the Public Health and Medical Department aware that both the male and female tuberculosis wards in the Campbell Hospital are in the same block as the general medical ward?

(b) Are the Government aware that there is a panic amongst the patients of the general medical ward owing to the close proximity of the tubercular ward?

(c) If the answers to paragraphs (a) and (b) be in the affirmative, will the Hon'ble Minister be pleased to state what steps he proposes to take to separate the location of these two wards?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) Yes.

(b) I am not aware that there has been any such panic.

(c) The question of providing separate accommodation for tubercular patients is receiving my consideration.

Begum HAMIDA MOMIN: With reference to answer (b), will the Hon'ble Minister be pleased to state if he is aware that already infection has spread amongst the nurses and also, I think, amongst certain doctors who have to work there?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is not my information.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to give an assurance that he will dispose of the matter as early as possible?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, I can give that assurance.

Mr. PRESIDENT: Order, order. Non-official resolutions will now be taken up for discussion.

Non-official Resolutions.

Khan Bahadur M. SHAMSUZZOHA: Sir, I beg to move that this Council is of opinion that in respect of the appeals and petitions to be made by clerks of all departments in the mufasssil districts under the Government of Bengal who feel aggrieved by being passed over in case of promotions, the existing personnel of the appellate authority be replaced and the said power do vest in a Board consisting of five members as follows:—

- (1) A Senior I.C.S. from the Judicial line (*ex-officio* Chairman of the said Board),
- (2) Two Muhammadans M. L. A's or M. L. C's.
- (3) One Scheduled Caste M. L. A. or M. L. C.,
- (4) A non-Muhammadan M.L.A. or M.L.C.,

and that the aggrieved clerk be afforded all reasonable facilities to present his case before the appellate authority excepting that he should bear his own expenses.

Sir, my object in moving this resolution is very simple. Fortunately, much information has been elicited just now from the answer to question No. 55 of to-day and the House is in possession of certain instances amongst many others that have not been disclosed yet from which it is evident that there is a genuine grievance on the part of a very large number of ministerial officers in all offices and in all departments of this Government in the mofussil districts that their cases, so far as promotions are concerned, are not receiving adequate consideration. Sir, it has been observed by the Hon'ble Minister in charge that if an enquiry is instituted into these matters, it might be interpreted as loss of confidence in those officers who are responsible for such promotions. I ask, Sir, can that be pleaded as sufficient justification for non-intervention? In spite of this, Sir, I am sure you will be convinced that there is a genuine feeling in the country that there are very many hard cases in which justice has not been meted out.

Then, Sir, I come to the question of appeals. On this point, I make bold to say that the rules, as they stand at present, are themselves too stringent and there are so many conditions attached to them that it seems that the right of appeal given to the clerks has been, so to say, given in by one hand and taken away by the other. Besides, it cannot also be denied that when these cases are taken up, adequate attention cannot be, and as a matter of fact, is not paid to them, because almost all the appellate authorities who are to consider these cases are so much over-worked that in spite of their best intention to do justice, in fact they cannot do so. As the question of promotion is of great importance, it is only fair that closer attention should be paid to these cases and the clerks should get redress of their genuine grievances at any cost. Apart from the rigorousness of the rules themselves in their application to individual cases, the influence of red-tapism and nepotism is scarcely overcome. In deciding these cases as the rules enjoin, the present appellate authorities have more or less to go upon the notes of officers subordinate to themselves and particularly of those officers against whose orders these appeals are preferred. I submit, Sir, that these appeals should be considered with an eye to strict impartiality which alone can mete out justice effectively. But this is not being done in practice with the result that in these cases the appellate authorities always try to maintain the orders appealed against and consequently justice is not done to people who deserve it most. It is our sad experience that the tests of seniority, efficiency and merit are much abused. With the advent of Provincial Autonomy, all classes of people have begun to cherish,--as they have a legitimate right to do,--that all bureaucratic methods must give place to a new order of things. It is the sacred duty of the Ministers of this autonomous Government to ensure conditions in which every community and every individual may feel that genuine

grievances will be redressed and that every one will be guaranteed all legitimate opportunities to enjoy his due right unfettered by the trammels and shackles which so long retarded advancement and progress.

• Sir, the answers given by the Hon'ble Minister to-day reveal a state of affairs which is not at all rosy. I would only ask the Hon'ble Minister to kindly give his most careful attention to this question which is being mooted to-day because these are legitimate grievances of those people who form a vast majority of the public servants in the mofussil districts of the province on whom the brunt of the administration really falls. So, with due sense of responsibility, I, on their behalf, would urge upon this House to give their most sympathetic consideration to the resolution. There are many clerks belonging to all classes, castes and creeds whose cases have been overlooked and who have been passed over. In spite of the fact that their cases have not been given sympathetic consideration, they have submitted to their fate with resignation and are suffering with commendable patience and calmness. Having regard to these facts and having regard to the fact that these appellate authorities have got to do strenuous and multifarious work and having regard also to the viewpoint which has been advanced and the angle of vision and the standpoint from which these appeals should be heard, I have proposed in this resolution that the existing personnel of the appellate authority be replaced and that their powers do vest in a Board. In order that the official viewpoint may receive its due consideration in the hearing of these appeals, I have proposed the inclusion of a senior I.C.S. officer from the Judicial line, who shall preside over the deliberations of this Board. And in order that the questions arising out of these appeal cases may be duly and adequately considered from all sides, provision has been made for inclusion in the Board of the representatives of all communities from amongst the members of both Houses of the Legislature. I do not wish to take up much time of the House. With these few words, Sir, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: That this Council is of opinion that in respect of the appeals and petitions to be made by clerks of all departments in the mofussil districts under the Government of Bengal who feel aggrieved by being passed over in case of promotions, the existing personnel of the appellate authority be replaced and the said power do vest in a Board consisting of five members as follows:—

- (1) A Senior I.C.S. officer from the Judicial line (ex-officio Chairman of the said Board),
- (2) Two Muhammadan M.L.A.'s or M.L.C.'s.

(3) One Scheduled Caste M. L. A. or M. L. C.,

(4) A non-Muhammadan, M.L.A. or M.L.C.,

and that the aggrieved clerk be afforded all reasonable facilities to present his case before the appellate authority excepting that he should bear his own expense.

Mr. NUR AHMED: Sir, I beg to move by way of amendment that, for all the words beginning with "in respect of appeal" in line 1 and ending with "(4) A non-Muhammadan M.L.A. or M.L.C." appearing in line 12, the following be substituted, namely:—

"a more representative appellate forum be framed in place of the present appellate authority by Government of Bengal in such a manner as they think just and proper, to hear appeals and decide petitions and other representations regarding injustice done in cases of promotion etc. submitted by all clerks of all departments of the Government of Bengal serving in the mufassil districts of Bengal."

Sir, frankly speaking, I find myself in a very delicate position in moving this amendment to the resolution. Having regard to the supplementary questions put during the Question Hour to-day indicating the existence of a sad state of affairs, I feel I owe an explanation to the House. I think that this is a matter which concerns the efficiency of the administration and before we do anything definitely on this point, we must consider the pros and cons of the matter. Sir, the mover of the resolution has come before the House with a proposal which, I must say, with due deference and respect to his learning and erudition, is very novel and at the same time very unworkable. It is a known fact that the promotion of a clerk depends on his merit as well as on his seniority. How is it possible for an outside body having nothing to do with the working of the particular department,—however just, however representative and however competent that outside body may be,—to decide the case of the promotion of a clerk? It is a matter for the hon'ble members of this House to judge. There is involved in this proposal a very vital question of discipline and efficiency. If clerks know that faithful and honest work will not be rewarded by the particular officer under whom they work, how will they obey his orders? Will they do their duty properly if they know that there is an outside body sitting over his officer and that the superior officer of the department is not the ultimate deciding authority? I again appeal to the House to consider that aspect of the question. It is said that we have got autonomy in Bengal. If that is so, we have our popular Ministers at the head of the various departments. Can you not rely on them? I must admit that there have been complaints that in the case of promotions the just

and legitimate claims of clerks are ignored. It may be due to nepotism. It may be due to favouritism. It may be due to other causes. But it is difficult to ascertain the truth in every case. In a department there are many clerks. When the question of promotion comes, everybody thinks that he has got just and preferential claims. So, complaints are very frequent and insistent, and it is very difficult to say how far those complaints are true in every case. I, therefore, move this amendment and by this amendment I leave the matter to the Government to see if a more satisfactory appellate authority could be constituted or not. With these few words, I commend my amendment to the acceptance of this House.

Mr. PRESIDENT: Amendment moved: That for all the words beginning with "in respect of appeal" in line 1, and ending with "(4) A non-Muhammadan M.L.A. or M.L.C." appearing in line 12, the following be substituted, namely:—

"a more representative appellate forum be framed in place of the present appellate authority by Government of Bengal in such a manner as they think just and proper, to hear appeals and decide petitions and other representations regarding injustice done in cases of promotion etc. submitted by all clerks of all departments of the Government of Bengal serving in the mufassil districts of Bengal."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the resolution together with the amendment can be divided into two parts. One is an expression of an opinion and the other is the suggestion of a remedy. I shall confine myself to the expression of opinion. As has been submitted to this House, to-day's questions have disclosed a very sad state of affairs. The answers of the Hon'ble Home Minister to a series of supplementary questions, though highly sympathetic, have left us with an uneasy feeling that justice has not been done in the majority of cases. Hon'ble members of this House have asked questions to know how the administration is going on in the province and the answers in some cases, I am sorry to say, have been extremely unsatisfactory. Sometimes they have been evasive and sometimes truth has been mixed with suppressions, if I may use the expression. On one occasion, it amounted to a lie adorned by misrepresentations. I am sorry to make these remarks, but I felt deeply and do not feel inclined to suppress my feelings. I believe that by speaking out openly and frankly, we do really help the administration. For the information of the Hon'ble Minister, I shall submit to him two cases; one of a Hindu and the other of a Muhammadan. I do not wish to deal with the communal aspect of the question. Injustice is not invariably due to communal reasons. I believe injustice results in many cases from far deeper causes. There

are Office Superintendents and office masters. They have their likes and dislikes. They have their sons and nephews as well as their sons-in-law, nephews-in-law, brothers-in-law, brothers' sons-in-law and a host of similar legal relations as well as their *proteges* and admirers. On one occasion, the late lamented Maulvi Abul Kassem, of the old Bengal Legislative Council, asked a question as to how many legal and other relations a few office masters of the Burdwan Collectorate had under them. It was disclosed that they had 30 relations through marriage or consanguinity in that office and they constituted a very large proportion. The question which was put by Khan Bahadur Ataur Rahman to-day was directed to elicit the answer that the claims of Muhammadan candidates have been systematically neglected. No doubt, the claims of Muhammadan candidates have been so neglected. But coming from the district touched by these questions, I must submit that injustice has been fairly and evenly distributed between the two communities. I know there was an Office Superintendent who had a son-in-law who was an insurance agent. Whenever a promotion was in the air, people could predict the fortune of a particular candidate and how? If a candidate had insured his life through the Superintendent's son-in-law, then it was a foregone conclusion that he would be promoted. I am informed by many of my hon'ble friends in this House that this is not a disease confined to Burdwan only. Burdwan is only a type of which there are numerous and glaring examples throughout the province.

Coming to illustrations, I would like to inform the House that some days back Khan Bahadur Saiyed Muazzamuddin Hosain asked a question the answer to which revealed a serious and deplorable state of affairs in Burdwan. There is a Gradation List which is preserved in the Collectorate. It is a very valuable document. It is always referred to as an authoritative record of the gradation of clerks. It appears that it is a book which is written and amended from time to time, exclusively by the Collector. Its contents can never be changed except by the Collector. All corrections and amendments in this List must bear the initials of the Collector. It remains in the custody of the office Superintendent. In this particular case, it was in the actual custody of a certain clerk. A serious interpolation was made in the list as the result of which the name of the clerk who had the actual custody of the register was scored through without the knowledge or permission of the Collector and put much higher up in the list. It was admitted on the floor of the House the other day that these changes were unauthorised. They bore no initials. Another clerk, a Hindu, who was prejudicially affected by such interpolation appealed to the Divisional Commissioner. His appeal was allowed and the Commissioner found that the interpolation was absolutely unauthorised. Then, the offending clerk, whose name had been clandestinely put higher up in the list,

appealed against the Commissioner's order to the Revenue Board. Strangely enough, the Office Superintendent supported the claims of the offending clerk. His appeal was dismissed. In my humble submission, the interpolation amounted to forgery. But no action was taken against any one for this daring act. The reason given is unconvincing. Meanwhile, the clerk who had appealed before the Commissioner was never informed of the result of his appeal. He petitioned the authorities but no information nor copy of the decision was supplied. He submitted an application to the Commissioner to ascertain the fate of his appeal but his application was not forwarded. After a long interval, the result of the appeal gradually leaked out, but strangely enough the offending clerk who was concerned with the forgery of this very important public document was given a promotion.

This was the case of a Hindu candidate. No communal influence was working there. In the next case which I am going to submit before the House,—it is the case of a Muslim,—possibly something of this nature happened. It is the case of a Muhammadan clerk whose name was—

Mr. PRESIDENT: Order, order. No reference should be made to any particular person by name because the authority concerned is not here and so he cannot place his case before the House. You can mention general cases without mentioning the name of any particular person.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I was going to mention the name not of any offending authority but of one who was the victim.

Mr. PRESIDENT: Please avoid all personalities, as far as possible.

Khan Bahadur NAZIRUDDIN AHMAD: All right, Sir. This individual, Sir, was a clerk and he was working in the Excise Department for about four years with credit and good name. There was a vacancy higher up in the department. According to ordinary practice, a suitable man from the department is promoted and in the ordinary course he would have been promoted but he was passed over. Another clerk slightly senior to him was brought from another department; he had no experience of this department and had not a good record, while the clerk who was superseded had a uniformity good record. There was a volume of correspondence over this, and the reason assigned for overlooking the claims of a really meritorious candidate was that otherwise there would be heart-burning among senior clerks in other departments. In this case, the question of admitted superiority of merit was absolutely ignored and brushed aside and another man was taken in ignoring proved efficiency.

These are some of the illustrations. I have already submitted, Sir, that these are typical cases and that injustice is done in many cases in my district. The clerks suffer silently. They have no right of appeal, so to speak. The man about whom I spoke first,—the Hindu candidate,—got punished for making an appeal and causing a serious disclosure. He was sent to the Kalna Subdivision which is regarded as a penal station. Kalna stands in the same relation to Burdwan as the Andamans do to Bengal. It is a very unhealthy place. A man is sent there only once during his service period. Nobody is sent there twice, but this man was sent there twice. He had also another grievance. He applied for redress of the grievance. That was rejected. He asked for a copy of the order. The copy was refused. The clerk preferred an appeal to the Divisional Commissioner. The authorities refused to forward his appeal to the Commissioner on the ground that he had not submitted a copy of the order appealed against—a copy which was refused to him. This is how things are done under the Provincial Autonomy. It seems Provincial Autonomy has not penetrated into the districts. Many things do not reach the ears of the Collector.

Sir, that the Hon'ble Home Minister will earn the gratitude not only of the vocal public but also of the silent, toiling, suffering clerks in the districts by providing for an enquiry into their grievances.

The Hon'ble Khwaja Sir NAZIMUDDIN: I feel, Sir, that the hon'ble member who moved this resolution has not been able to make out a case, and the reply that has been given is most effective—I mean the amendment that has been moved by Mr. Nur Ahmed,—although personally I do not agree with that amendment also. What Mr. Nur Ahmed has said in his speech is, in my opinion, very pertinent, namely, that as far as cases of promotion are concerned of clerks serving in particular offices, it is impossible for anybody to judge the question of promotion solely from the records kept in the confidential character roll. To a certain extent, one has got to be guided by the opinion of the man under whom he is immediately working, because he is the person who sees his work daily and who is also responsible to a certain extent to get the work done. Therefore, Sir, his opinion is important and material, and the question of promotion is generally decided in the cases of clerks by the District Magistrates and other Heads of departments themselves. In a Commissioner's office, it is the Commissioner who decides questions of promotions. I do not think, Sir, that if a Board is appointed, as suggested by the hon'ble member, it will be able to do justice in the matter of promotions from the clerical ranks, because as Mr. Nur Ahmed has said, and it is also my personal experience, that every man considers himself not only fully qualified but practically the best man in the office, and it is impossible to satisfy and to convince him that he is not so. First of all, Sir, the Board shall have innumerable applications which, I am sure,

it will find it impossible to deal with, because every clerk who is superseded will come up before the Board. Nobody is ever satisfied that he is rightly superseded. Everybody feels that he ought to be promoted.

Secondly, Sir, what will happen will be that the Board will find it extremely difficult to decide between the claims of A, B and C who have been superseded.

Thirdly, Sir, they will find it difficult to judge whether a man has been rightly promoted or wrongly promoted.

And last of all, Sir, what will happen will be—and this is a matter which I should like the House also to consider and I refer to it from the point of view of administration—that you will have all these ministerial officers approaching the members of the Board and trying to influence them about their respective cases. From the point of view of discipline, it will be difficult for anyone to observe it if you have a Board of the kind proposed by the hon'ble member to go into the question of promotions. After all, Sir, the human element cannot be avoided altogether. There are people, Sir, who are to a certain extent lacking in merit. Even in the case of a person who is trying to get the best man without any other consideration whatsoever, if he has known a particular man, if he has seen his work, he is bound to pick him up in preference to others whom he has not known and whose work he has not seen but who may have an equally good record. It is happening every day. I know a particular officer; I have seen his work. When I want a man, naturally my idea goes immediately to him. I may consider other cases as well, but the chances are that the man who is known to me, and whose work I have seen and who has worked with me—I may be inclined to give him preference. This will happen always. The personal factor is bound to a certain extent to prevail over other considerations. You can never have absolute justice.

Similarly, as I have pointed out, this is a question which we should leave to the District Officers concerned or to the persons who decide the question of promotions. But the only way in which this evil can be checked is: whenever you find that real injustice has been done, if the matter is brought to the notice of the relevant authority, Government will see that action is taken; and if anybody has deliberately done any injustice, he will be severely punished. For example, I feel that the case which has been cited by Khan Bahadur Naziruddin Ahmad about the person who got his name put higher up in the graduation list in an unauthorised manner and then managed to secure his promotion, if that case is brought to the notice of Government, and if the officer concerned is found to be guilty, he will be severely dealt with, so that in future others will think twice before they do it. The only way in which an improvement can be made in this direction is: whenever Government are satisfied that somebody has not been doing

his duty honestly and properly, then Government will take drastic action. That alone is the remedy which will prevent others from behaving in a similar manner in future. I do not think that you can rectify this by means of merely appointing a Board. Hon'ble members who have spoken to-day—one or two of them—have cited definite cases. We have also in our private capacity heard of many instances where people are superseded without any justification. There are cases where officers think that they ought to have been promoted and that they have been wrongly superseded but as a matter of fact I know that they have been rightly superseded. You have got both sides of the question. Simply because an officer who has been superseded comes up with a grievance, it is not always correct to infer that the officer has been wrongly superseded. I know of cases in which the officers hold very strong opinion that they had been wrongly superseded. I know of a particular officer who thought that he ought to be made a Subdivisional Officer. As a matter of fact no notice was taken of his case because his confidential character roll was most damaging, and yet this officer persisted in arguing that he had got a good record. So, as I was saying, you have got both sides of the question.

In view of what has been stated here to-day and in view of the facts that have been placed before Government, Government can look into this question and see how far they can ensure that promotions are made purely on the basis of seniority and merit. As a matter of fact, there is a lot of misapprehension about this. On reading the rules, I find that they are to a certain extent defective. As a general proposition, we have this theory that promotions should be made on the basis of seniority and merit. But I find, for instance, in rule 64 of the Board's Miscellaneous Rules, that promotions are to be made having regard to a man's special fitness for the post, and that unless other considerations are equal, seniority is not to be treated as the deciding factor in filling up a post. Now, I am afraid, this is to a certain extent against the principle that Government have been following, namely, that in making promotions, both seniority and merit be taken into consideration. According to this rule, first comes fitness and then if there are two people of equal merit, the question of seniority comes in. As far as this question is concerned, I think it will be advisable for Government to go into it more carefully and see if we can have rules which will, as far as possible, avoid cases of abuse of this rule of seniority and merit and prevent the Head Assistants, Sheristadars etc. from getting their relations promoted before their time. In view of what I have stated, I hope the honourable member will withdraw his resolution. I may assure him that Government will go into the question again and as far as possible see that injustice is not perpetrated in future.

Mr. HUMAYUN KABIR: Mr. President, Sir, I had no intention at all of saying anything of this resolution, particularly because I

agree to a very large extent with the objections which have been raised by the Hon'ble Sir Nazimuddin. Nevertheless, there are one or two remarks which he made and which bring me to make a suggestion for the consideration of this House and the Government. He has himself admitted that the rules as they stand now are defective and the practice of the Government has sometimes complicated the matter even further. The rules say that merit should be the only criterion for promotion and yet the usual practice of the Government has been to take into consideration both merit and seniority. As the hon'ble member sitting opposite very pertinently observed, who is going to judge the merit? Most of the heart-burnings arise because there is a feeling in the minds of many of these subordinate officers, clerks and ministerial officers, that proper recognition of their merit is not forthcoming. Very often—and I think those hon'ble members who have been associated with the work of the Government will bear me out—very often there is a feeling that it is patronage, it is a question of favouritism or a question of the personal predilections of a superior officer which is responsible for the promotion of an individual rather than his own intrinsic merit, and I think that the Hon'ble Sir Nazimuddin has to a certain extent conceded this point. He has admitted that it is not possible for the superior officer to know equally well all his subordinate officers. Sometimes it may be that in a perfectly *bona fide* manner—I am not going now into the question of *mala fide*—a particular superior officer may have seen the work of only one particular man and may have promoted him and there might at the same time have been in that office other individuals with equal, if not superior abilities. How are you going to prevent that state from continuing if the present haphazard and chaotic rules with regard to promotion obtain? That is why, Sir, I rise to make a suggestion, to ask the Government if they will not consider a system which is in vogue in many places of the world and I believe which is in vogue in the Army Department in this country as well. There, promotions are made strictly by competitive examinations. Different groups are placed in different categories. If there is any question of communal representation or representation of particular groups, you might reserve the number of promotions within each group. You might also have people who do not want to face that examination. They will go on in the steady course of routine and will reach the usual maximum in 20 or 25 years or whatever may be the normal course of their service-life. In the case of others who have greater confidence in themselves and who feel that they are better than some of their follow-officers, they might face this competitive promotion examination. In the Army Department, they have these examinations and those who do well in the examinations, the best men of each category, are given promotions. In that case there would be no heart-burnings, no question of depending upon particular prejudices or predilections of a superior

officer and considerations such as the relationship to Sheristadars or Head Assistants. None of these questions would arise. Here, of course, the objection might be raised that a man might be good at examinations and yet there might be others who are in other ways better than that man. Well, allowance might be made for that fact also. The past record might also be taken into consideration and a certain proportion of the total marks might be given for day to day work. Superior officers instead of leaving behind generally vague and very often intangible remarks might say in concrete terms in percentages, if the total number of marks for efficiency in office work was 100, that in their opinion such and such a person would get 40, 50, 60 or 70. Apart from that, there might be written papers for testing general efficiency, knowledge and presence of mind. All these different factors might be considered together in deciding promotions. If such a system were introduced, I am sure it would go a very long way towards meeting many of the grievances which at present do exist. At least nobody could say that he has been passed over without being given a trial. This would not entail any hardship on those who do not want to face the examination. In the Army Department, if I am not wrong, at present the system is that a man goes on steadily and probably becomes a Captain at the end of 12 or 14 years. But if he has greater confidence in himself and if he is a man of special ability, he has the option of taking an examination at the end of 6 or 7 years and if he passes the examination, he is immediately given the Captain's rank and in this way, he may proceed throughout the different ranks in the Army. I do not see any reason why the Government should not consider some such system because this would immediately obviate the injustices which do happen, and the Hon'ble Sir Nazimuddin has himself admitted that in some cases injustices do happen. As I have stated earlier, I am not going into the question of *mala fides*. Let us admit that the mistakes are *bona fide* mistakes. Even if they are *bona fide* mistakes, there is no special reason why a particular deserving candidate should be deprived of a promotion which is his due. I would, therefore, ask the Hon'ble Minister to consider the suggestion when he takes up the whole question of revision of the rules under which promotions are made.

Khan Bahadur M. SHAMSUZZOHA: Sir, in view of the assurance given by the Hon'ble Minister, I beg leave of the House to withdraw my resolution.

Mr. NUR AHMED: Sir, I also ask the leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to allow the movers of the resolution and the amendment to withdraw them?

(No objection being raised, the resolution and the amendment were, by leave of the House, withdrawn.)

Rai Bahadur SURENDRA NARAYAN SINHA: Sir, I beg to move that this Council is of opinion that the Government of Bengal should either grant an annual subsidy to the Bengal Flying Club, Limited, to enable them to popularise and extend their activities in teaching the theory and practice of flying, or themselves found some stipends for the training of air pilots and Ground Engineers and thereby develop an interest of the people of the Province in Aviation.

Sir, we are in the midst of an air-age at present and no arrangement, be it either for defence or locomotion, is at all adequate unless there is provision for aeronautical training of persons who undertake these things. But the beginnings of all good and reasonable things need some nurture, and so air-mindedness of the common people has to be created. In all progressive countries, Flying Clubs have been fostered by the Governments and the hands of a few air-enthusiasts are strengthened by those in power. In Bengal, air communication has not developed to any great extent. Important distant towns like Dacca and Chittagong and Darjeeling are not yet connected by air service. Calcutta is no doubt a big air-port but there is very little provision for training young men for air service. The Bengal Flying Club is an expensive institution. In order that there can exist greater facilities for all classes of people, this Club ought to decrease their membership fees and at the same time receive greater revenue. But this is impossible without some contribution from State funds. So, some subsidy should be granted by the Government not only to the existing Flying Club, but also to others which should grow up all around Calcutta. We do not know the exact position in regard to the air defence of this city and of India, in general. Unless we train young men for civil aviation, we cannot get a sufficient number of men for the Air Force. If we want to take our proper place in the Defence Force for India, the inhabitants of Bengal should be encouraged to be more air-minded as the future perenances to the freedom of this land lies both from the East and West from the air.

With these words, Sir, I beg to move the resolution and I hope no one will dissent from it.

Mr. PRESIDENT: Resolution moved: That this Council is of opinion that the Government of Bengal should either grant an annual subsidy to the Bengal Flying Club, Limited, to enable them to popularise and extend their activities in teaching the theory and practice of flying, or themselves found some stipends for the training of air pilots and Ground Engineers and thereby develop an interest of the people of the Province in Aviation.

Mr. NUR AHMED: Sir, I beg to move that all the words beginning with "either grant" in line 2 and ending with "flying, or", in line 4, be deleted.

Sir, there are no two opinions in the country on this question. There is the utmost necessity of making the people of Bengal air-minded and especially so when we have been given provincial autonomy and when the question of full-fledged independence is in the air. I must say that as a great step forward has been definitely promised in regard to our political status after the war, we must prepare ourselves to defend our hearths and homes and it is admitted on all hands that those who want independence must be prepared to defend their country from being attacked by air. Then, it may be asked why I have moved this amendment. My only intention is to make a suggestion to the Government. The question of the grant of subsidies is a very difficult one. It involves a question of principle. There may be some other institutions which may come up for subsidy and there is no knowing how it will be spent by the Flying Clubs. But if we go to Government with a suggestion for founding scholarships, we can expect to get 20 or a good number of pilots and Ground Engineers trained every year. In that way, we can get a larger number of air pilots and Ground Engineers. Sir, I don't want to take up much time in commending my amendment to the acceptance of the House. I hope that the mover of the resolution will accept my suggestion. I have every sympathy with the object with which he has brought this resolution before the House.

Mr. PRESIDENT: Amendment moved: That all the words beginning with "either grant" in line 2 and ending with "flying, or" in line 4 be deleted.

Mr. NARESH NATH MOOKERJEE: May I suggest that Resolution No. 21 which relates to the same subject, be also permitted to be moved? I make this suggestion with a view to the early disposal of the resolutions..

Mr. PRESIDENT: If the hon'ble member had given notice of an amendment, then the Chair would have no objection to accept it as such. But there was no notice of amendment.

Mr. RANAJIT PAL CHOUDHURI: Sir, I rise to support the resolution as moved by my honourable friend, the Rai Bahadur. I have a similar one in my name also. But, Sir, if the amendment is accepted, it would totally change the real character of the resolution, since Government would have to put up a new machinery to train up pilots, whereas in this case, they can get these pilots or rather these airmen trained through the Bengal Flying Club.

Sir, it is quite in the fitness of things that such a resolution has come up for discussion in this House at the present moment. What a great importance such a matter has, of late, assumed need not be emphasized. What a necessary part air-mindedness has been playing in modern life everywhere is evident to one and all. But our unfortunate country, still steeped in the old ways of thinking and education, had sadly been lacking so far in the teaching of the theory and practice of flying. Sir, if we have to exist as a nation with all modern conceptions, we have got to train our youths in aviation. Every encouragement must be afforded to the enterprising youths to take up flying as an avocation in life.

Again, in order to develop many more airways up and down throughout this country, to keep pace with our daily expanding necessities of civilised existence, growth of aviation on a very extensive scale is needed. It is, therefore, essential that we should look ahead of the times and provide some means by which we can popularise and develop aviation in the interests of our people. Such being the case, the suggestion put forward in this motion ought to find ready acceptance.

Sir, what I would propose is that the Government should select a few candidates and ask the Bengal Flying Club to give them the necessary preliminary training in the different branches of aviation. Advanced training may be obtained either abroad or with the help of the Military authorities. Some allowances should be granted by Government to the youths while under training and situations are to be found for them if they have successfully passed through their training.

Sir, I might mention here that the Bengal Flying Club receives a subsidy from the Central Exchequer but it is not sufficient to expand its activities and the rates are not so favourable as to make it more popular amongst all classes. I would, therefore, request our Hon'ble Minister to provide for even a small sum for the present to train our boys in aviation. Sir, with these few words, I support the resolution and I hope, Government will not ask us to withdraw the motion but deal with it sympathetically.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I believe the hon'ble members who have moved or spoken in support of this resolution are not clear about what the actual position is and how matters stand. At present, the only way in which you can have any training in flying for military purposes is through the help and co-operation of the Army Department. As regards military aviation, the direct system of entry into the commissioned ranks of the Indian Air Force is through the Royal Air Force College, Cranwell, England. The course lasts two years and the cost of training a cadet is £250 plus £276-8 to be contributed by the parent or guardian to cover items of

personal expenditure. As the Government of India contribute a sum of £240 towards the above expenses, the candidate is required to pay £286-8. Now, that is as far as military aviation is concerned. At the present time, as I had stated once before, recruitment has been open, for the duration of the war to all Indians and all Indians can get their training if they join there—

Mr. NARESH NATH MOOKERJEE: In England?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, they are giving training in India and they are not sending out to England for immediate necessity.

The difficulty, as far as civil aviation is concerned, is that there is no guarantee of employment if you have qualified yourself and one of the speakers has suggested just now that we should see that they are employed. That is a very tall order. Government can provide facilities in some shape or other for persons to be qualified but they cannot take the responsibility of providing employment, especially as they themselves have nothing to do with it. At the present time, the Bengal Flying Club undertakes training for "A" licence pilots, and they are actually the cheapest as far as India is concerned. The instruction consists of about 15 hours' dual flying at a cost of Rs. 25 per hour. With medical fees and flying equipment, the average cost comes up to about Rs. 450 per candidate. According to the new subsidy agreement with the Club, a sum of Rs. 100 of this is returned to the pupil after he gets his licence. Thus the total amount a candidate has to spend for getting "A" licence is Rs. 350. For a "B" licence, the estimate of the cost of training is between Rs. 9,000 and Rs. 10,000 spread over a period of two years detailed below:—

			Rs.
125 hours solo cross-country flying at Rs. 28 per hour	..	..	3,500
75 hours general flying at Rs. 25 per hour	..	..	1,875
43 hours dual flying at Rs. 25 per hour	..	..	1,075
5 hours dual cross-country flying at Rs. 28 per hour	..	..	140
2 hours dual night-flying at Rs. 60 per hour	..	..	120
5 hours solo night-flying at Rs. 80 per hour	..	..	400
8 hours blind flying at Rs. 40 per hour	..	..	320
			7,430
Work hop training for two years at Rs. 30 per month	..	..	720
			8,150
Extra (for books, tools, landing fee, etc.)	..	..	850
			9,000

To be on the safe side, if you want to get "B" licence, it will cost you about Rs. 10,000 and that cannot be provided by the Bengal Flying

Club. It will have to be arranged with some of the private commercial firms to undertake it, such as the Tatas or the Imperial Airways or some other private company. Government have gone into this question before this resolution was moved and they have some proposals in view which at present I cannot announce, because until it has been decided and the amount provided for in the next budget, it will not be proper to reveal it at the present time. But we have got definite and concrete proposals and we are trying to find money which will enable some of the persons to secure "A" licence and perhaps "B" licence in the near future. So, it will be seen that we have not been absolutely idle over this question. We have enquired into all the facts and have got certain definite proposals which at the present time I cannot announce, but I would request the hon'ble members to wait till the Budget Session when our proposals will be made public and then if they are not satisfied, they can take it up again. In view of what I have stated, I hope the hon'ble member will withdraw his motion.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, in view of the sympathetic assurance of the Hon'ble Minister, may I withdraw my resolution?

Mr. PRESIDENT: Is it the pleasure of the House to permit Rai Surendra Narayan Sinha Bahadur to withdraw his resolution?

(Cries of "Yes.")

The motion was then, by leave of the House, withdrawn.

Mr. KAMINI KUMAR DUTTA: Sir, I beg—

Mr. PRESIDENT: I am sorry, I made a mistake. I did not ask Mr. Nur Ahmed as to what is to be done about his amendment to the motion of Rai Surendra Narayan Sinha Bahadur.

Mr. NUR AHMED: Sir, in view of the fact that the original motion has been withdrawn, I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit Mr. Nur Ahmed to withdraw his amendment?

(Cries of "Yes".)

The amendment was then, by leave of the House, withdrawn.

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move that this Council is of opinion that this Government should move the authorities concerned for obtaining an Order in Council under the provisions of section 290 of the Government of India Act, 1935, for altering the

boundaries of the Province of Bengal on the basis of linguistic affinities and the reunion of all Bengali-speaking areas in the Province of Bengal.

Sir, my resolution is a reasonable and modest one; but before I deal with the resolution, I think it my duty to remove any misapprehension that the ulterior object of my resolution is to convert the Muslim majority in Bengal into a minority and to make Bengal not a Muslim majority province but a Hindu majority province. The proposals which I would make for the alteration of boundaries would not as a matter of fact convert Bengal into a Hindu majority province. It would not affect the present position of Muslims in the province,—and the object of my resolution is not really to effect a change in that aspect of the province at all. So, in bringing my proposals before the House, I should, first of all, ask the hon'ble members to disabuse their minds of that impression. Indeed, taking the figures of the last census, I find that at present without the areas which I suggest for inclusion within the province of Bengal on the basis of linguistic affinity, the present percentage is: Hindu—44·11; Muhammadan—54·44 excluding some other small minority communities and if my proposal is accepted, the only change that would take place is that instead of 44·11 per cent, it would be a little over 45 per cent. That would be an alteration which would not really affect the position of the two communities in the province nor will it alter its character as a Muslim majority province. So, I would appeal to this House to judge my resolution and to consider the proposal which I would make bearing this fact in mind.

Really, the principle on which my resolution is based is now accepted all the world over. All the world over boundaries are being changed. Countries in Europe are changing their boundaries very fast and what is the basic principle underlying these changes of boundaries? The basic principle is that the people of one race should not be placed under different administrations. One race having the same language to exchange their ideas, and the same cultural affinity, should not be placed under different administrations. That would not only retard the growth of that particular province but it would really hamper the growth of that small portion which happens to be included in another province where they occupy a very minor position. So, from that basic principle that full growth of the culture should be allowed to each and every race, my resolution ought to be accepted.

My resolution is simply this: that all Bengali-speaking people ought to be brought under one administration, ought to be in one province and ought not to be scattered over two or three provinces as they are now placed. It retards their cultural growth; it hampers the growth of the Bengali race itself; particularly it retards the growth of those of us who are placed under an administration where they

occupy a very minor position. I need not deal further with that general principle. It is a principle which is now accepted everywhere in the world, viz., the basis for one unit of administration ought to be the language in which they express their ideas. The linguistic basis is the basis, which is now accepted all over the world. Even in Europe, people are being repatriated from one country to another in order to make each country homogeneous, in order to foster the growth of a homogeneous culture and there is no reason why in Bengal we should depart from that principle. It is only after some haphazard alteration in the boundaries of the provinces that people who really were previously under the administration of Bengal have been shifted to other provinces. Even at the time of the inauguration of the new Constitution under the Government of India Act, 1935, new provinces were created. Orissa was created. Sind was created. So while new provinces have been created, power has been given under section 290 of the Government of India Act, 1935, also to alter the boundaries of the provinces, if that is the desire of the people living in the country. Now, if I place all the facts as they are before the House, I think no doubt can lurk in the mind of any one as to the reasonable character of my resolution.

First of all, I would take the places lying on the northern side of the province for instance, the district of Purnea. I would also take the Census figures of 1931. Of the District of Purnea, I shall take the two subdivisions, viz., the Sadar Subdivision and the Subdivision of Kishanganj. In Kishanganj, it appears there is a large number of residents who speak a dialect which goes by the name of Kishanganjia or Siripuria. In the Census of 1911, those people who speak this particular dialect, Kishanganji, were treated as Bengali-speaking people as Bengalis. Only in the later Census, they were mentioned as speaking Hindustani. But in the Linguistic Survey of India which is more authoritative in this respect it has been very clearly said that Kishanganjia is nothing but a species of North Bengal dialect. It is not really Hindustani. It is really Bengali dialect somewhat changed. On the question as to whether Kishanganjia is Hindustani or Bengali dialect, I think the opinion of the Census Officer of 1931 has to yield to the opinion of the commission for the Linguistic Survey of India. They did make a survey of the different languages spoken by different people of India and in that survey it has been very clearly mentioned that it is really a species of the Bengali dialect and that it has a close affinity to the North Bengal dialect. Kishanganj happens to adjoin North Bengal. As to the Sadar Subdivision it would appear that a very large portion of the people resident there are *Rajbangshis* or what they are called "*Kochs*". According to the Purnea Gazetteer, there is a racial affinity between these people and the Bengalis and most of them are now nothing but Mussalmans. They are called *Rajbangshis* but the Census report shows that they

have now embraced the Islamic religion. They inter-marry with North Bengal Muslims and belong to the same race with them. So, considering the position of both the Subdivisions (Sadar and Kishanganj) of the Purnea district from the point of view of the language and from the point of view of racial affinity also, there is no reason why that area should not be included within the province of Bengal. While speaking about this district which is densely populated, I again say here that one may think that if that is done, there will be an addition to the Hindu community. No doubt they are called *Rajbangshis* but they are Muslims by religion and by conversion.

Then, I come to Sonthal Parganas. There are three languages spoken here, viz., Bengali, Hindustani and the language of the aborigines; and indeed, the aborigines preponderate in the percentage of the population. But the special feature to be noted about the language used in this area is this that the aborigines speak Bengali as the second language and not Hindustani. For interchange of ideas with people outside their own tribe, they use the Bengali language and not Hindustani. Taking the percentage of those who speak the Bengali language and those who speak the aboriginal language using Bengali as the second language, certainly their number preponderates. In the Sonthal Parganas, there are six Subdivisions, viz., Jamtara, Dumka, Pakur, Rajmahal, Gadda and Deoghar. As to Gadda and Deoghar, I must say that the percentage of the Bengali-speaking population is very small. We have no reasonable claim to have them included in Bengal; but as to the other four Subdivisions which are close to Burdwan, Birbhum and Malda, both on the principle of affinity of language and affinity of race, they ought to be included within the province of Bengal. In Jamtara, the aborigines preponderate in number, but as I have already said, they are practically Bengali-speaking people. They speak their own language in their houses, but when they come out of their houses and mix with other people, it is the Bengali language which they use. In Dumka also, some of the thanas are practically very close to Birbhum and one is apt to think as if they are parts of the Birbhum District itself. In Pakur, according to the Census figures, there is an absolute majority of the Bengali-speaking people. Then, as to Rajmahal, it may be said that the whole area cannot be incorporated with Bengal but some of the thanas which are adjoining the Bengal districts, may be reasonably included.

Then, I would come to the district of Manbhum. It has got two Subdivisions, Sadar and Dhanbad. In Sadar, the Bengali-speaking population is in an absolute majority. In Dhanbad too, on a superficial view, it may be said that those who speak the Hindustani language may be larger in number, but if scrutinised it would appear that those who speak Hindustani are not the permanent residents of Dhanbad but only labourers who have come to Dhanbad in connection

with the coal industry. Dhanbad is not the permanent place of residence of those people but if the percentage of the permanent residents is taken into consideration, the Bengalis preponderate there.

Next, I come to the Singhbhum District. There also in the Sadar Subdivision, the Bengali-speaking population is in a minority. Perhaps, we have not a reasonable claim there, but as regards Dhalbhum which is close to Midnapore and Manbhum, the languages spoken are Bengali, Hindustani, Oriya and aborigine. Those who speak Oriya and aborigine, also speak Bengali but not Hindustani as the other language. So, with regard to Dhalbhum, our claim is a very reasonable one and it should be included in Bengal.

As to Chota Nagpur, there are two States Serai Kela and Khairsol. In these two States, the languages spoken are Bengali, Hindustani and aborigine. They are close to Dhalbhum and Birbhum. There also the same features do prevail. The aboriginals speak the same Bengali language.

Therefore, we have a claim to Purnea (Sadar and Kishanganj), to Jamtara, Dumka, to Pakur and to Rajmahal and to Dhalbhum. It seems there is no reason why they should have been taken out of Bengal and included in another province. It is neither good for us nor good for them.

Then, I come to the other boundary of Bengal, the eastern boundary which adjoins Assam. As to Assam, it may be said that those who are Assamese in the true sense and speak the "Assamia" language and those who speak the Bengali language are living in perfectly friendly relationship. The "Assamia" language is practically the Bengali language. So, from that standpoint alone, we may not be able to lay any claim to any portion of Assam. But if the Assamese want to exclude any portion,—as recently it appears there has been a movement there to exclude some portion from the province of Assam and to get it included in the province of Bengal,—in that case, to which particular portion can we lay a claim? Of course, as to Sylhet and the Kachar plains, there can be no question. These are Bengali-speaking districts. When I speak of Kachar, I speak of Kachar plains and not the hill tracts.

As to Upper Assam, excluding Bijni, Uttar Salmara and Dudhulai, the Bengali-speaking people remain in Goalpara district. In Barpeta thana in Kamrup, a big change has been effected. A very large portion of the population are emigrants—Moslem emigrants—from the district of Mymensingh. A very large number of Muhammadans has migrated from Bengal, particularly from Mymensingh, to Barpeta and they have taken settlement of lands there,—a fact which has given rise to problems of great intricacy. We have heard of the "Line System". It has its origin in this influx of Mymensingh people who have now become permanent residents of the Barpeta thana. If really Assam is

willing to part with Barpeta; it ought to be included within Bengal, because the Bengali-speaking population preponderate there.

Now, between the two valleys, namely, Lower Assam and Upper Assam, there are hill-tracts. The residents of these hill-tracts, of course, speak their own dialect. The hill-tracts are inhabited by the aborigenes. They have a culture of their own. Neither Upper Assam can claim them nor can Lower Assam claim them; but if any change is to be effected and if Assam agrees to it, they have more affinity with the people of Lower Assam with whom they have more dealings than with those of Upper Assam.

Sir, I have placed the figures, and as I said at the very beginning—all misapprehensions ought to be removed that there is any sort of indirect motive behind my resolution. My resolution is based on the basic principle that one particular race speaking the same language, a race using the same language as the vehicle for the exchange of their ideas should not be placed under different administrations. It is injurious both to the parent race which is under one administration and also to those who are separated from that administration and are placed under another administration.

With these remarks, Sir, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: That this Council is of opinion that this Government should move the authorities concerned for obtaining an Order in Council under the provisions of section 290 of the Government of India Act, 1935, for altering the boundaries of the Province of Bengal on the basis of linguistic affinities and the reunion of all Bengali-speaking areas in the Province of Bengal.

Mr. KADER BAKSH: Sir, we have no suspicion about the object underlying this resolution in view of the assurance given by the hon'ble member who moved the resolution just now. We have no doubt about his intention, but in spite of the assurance that he has given, we have to look at it from a practical point of view.

Sir, he began with the district of Purnea which borders on the district of Dinajpur, in North Bengal. I, Sir, know something of the district of Purnea for I had been there for a period extending over 25 years, if not more. From my very boyhood, I had been in the district of Purnea, specially in the Kisanganje Subdivision where the honourable mover has said Kisanganjia or Siripuria language is spoken. That it is not so I can assure him from my personal experience and knowledge derived from the fact that I have still to live in that subdivision for a period of three months in the year to look after my properties there. I

have opened several schools there and I have got my relations many of whom live in the Subdivision of Kisanganj and also in the Sadar Sub-division. I can tell you this much that the language which they speak in Kisanganje thana is absolutely Latin and Greek to me, but only in some parts of the Purnea district, the language is somewhat akin to Bengali. There are now only a few people living on the banks of the river Nagar which separates Dinajpur from Purnea where people speak a dialect which is akin to Bengali, but that is hardly to be understood by people who live in 24-Parganas or in the Presidency Division or in some other Divisions of the Province. Only the people of Dinajpur can understand that language. I can speak that language myself. I had to learn it.

Then again, my learned friend has said that the population there consists of *Rajbangshis* and Muhammadans. That the *Rajbangshis* have embraced Islam is not at all a fact. I have never heard of any *Rajbangshi* having embraced Islam at least during the course of my 25 years stay there.

Sir, there are many Bengalees living in Agra, Chunar and Delhi. Is it my honourable friend's argument that these people should be brought down here and all the areas where Bengalees live, for example, Benares where there are many Bengalees, should be brought under this Province, simply because the Linguistic Survey found that there were many Bengalees living there?

Now, Sir, the hon'ble member has spoken with regard to Singhbhum and Dhanbad. He has said that Dhanbad particularly is a place which should be included within Bengal simply on the ground that residents of Dhanbad are a Bengali-speaking race. He says again that people from other provinces who came to Dhanbad and made their residence there, speak Hindusthani. With regard to another district in Assam, namely, Barpeta, where the "Line System" has been introduced there are large numbers of immigrants from Mymensingh who have made their home there. It cannot be called a Bengali area or Bengali-speaking area; but if this area is sought to be so-called, then why should not Dhanbad where so many people from Bihar and other places have come, be called a Hindusthani-speaking area? I have not been able to follow the analogy which my honourable friend placed before the House. There would be practical difficulties in the way of adopting this principle. As for myself, I have no objection if some people are included within the province of Bengal and the area of the province be enlarged for it would be to the benefit of this province from the point of view of revenue. Perhaps from that point of view, I would like the idea, but there are innumerable difficulties standing in the way of bringing these people within the province of Bengal. There would also be great difficulty with regard to the communal question.

I had a discussion with the people who live just on the border of Dinajpur district on this question of repatriation to the province of Bengal but I found that they did not like to come under the administration of Bengal for there are several disadvantages. Now, Sir, while they are not willing to come within the province of Bengal, it would not be practical—

Mr. SHRISH CHANDRA CHAKRAVERTI: Is it because it is not a League area? (Laughter.)

Mr. KADER BAKSH: No question of whether it is a League area or not, arises.

There are several other difficulties. Although it is a very easy matter to induce them to live under the administration of Bengal, the hon'ble member has not moved the proper authorities for the inclusion of those areas. He has not said that he had consulted those people as to whether they were willing to come under the administration of Bengal. They may also refuse to come within the administration of Bengal (Mr. NARESH NATH MOOKERJEE: They want to live under a Congress administration!) No question of League or Congress administration. The Congress Government is no longer there. There would rather prefer to come under a League Government.

Now, Sir, without knowing the sentiments and the feelings of these people and without ascertaining the views of the people and also of their Governments, it would not be advisable at the present moment to make an attempt like this. Therefore, although I have every sympathy with the sentiment behind the resolution to include a large area within the province of Bengal, I cannot support the motion on the ground of practical difficulties—

Mr. PRESIDENT: So far as the opinion of other provinces is concerned, section 299 of the Government of India Act requires that the opinions of the Chambers of the Legislature of other provinces will also have to be consulted. It is only when the Chambers of the Legislature of other provinces agree, that such a motion can be accepted.

Mr. KADER BAKSH: While a move has been made here, no such move has been heard of in place. (Mr. SRISH CHANDRA CHAKRAVERTI: Start it now.) You start it but had there been any indication or expression of opinion on the part of the people living in those areas to come within the province of Bengal either here or elsewhere, then the question might have been relevant but upto now there has been no indication of that, either by moving a resolution in the Legislature or even by ventilating it in the newspapers. So, I think it will be too premature to make a move like this now—

Mr. NARESH NATH MOOKERJEE: Assam has already made a move.

Mr. KADER BAKSH: As far as my knowledge goes, no such move has yet been made there. I know it fully well. People of the district of Purnea are definitely not willing to come within the administration of Bengal. So, on account of the practical difficulties and without ascertaining the sentiments and feelings of the people there, I think it is too premature to accept such a resolution and as such I am not in a position to support the motion of the hon'ble member, although I have got every sympathy with the sentiment behind the resolution.

Mr. PRESIDENT: Order, order. The Council stands adjourned till 2-15 p.m. on Monday, the 11th of December, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 11th of December, 1939.

Members absent.

The following members were absent from the meeting held on the 8th of December, 1939:—

- (1) Rai Bahadur Manmatha Nath Bose.
- (2) Mr. Bankim Chandra Datta.
- (3) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
- (4) Mr. Mohamed Hossain.
- (5) Dr. Radha Kumud Mookerji.
- (6) Rai Bahadur Satis Chandra Mukherji.
- (7) Mr. E. C. Ormond.
- (8) Mr. W. F. Scott-Kerr.
- (9) Rai Sahib Jatindra Mohan Sen.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 11th December, 1939, at 2-15 p.m. being the eighth day of the Third Session, pursuant to section 62 (2) (a) of the Government of India Act, 1939.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Educational broadcasts for the villagers.

58. Mr. NUR'AHMED: (a) Will the Hon'ble Minister in charge of the Publicity Department be pleased to state what steps he has taken to introduce a scheme of educational broadcasts for the villagers of Bengal with a view to their cultural and social advancement? If not, why not?

(b) Is it a fact that in some other provinces, e.g., the United Provinces, such scheme of broadcasts by radio has already been established?

(c) If so, does the Government of Bengal propose to introduce a similar scheme or some other scheme for the education of villagers by radio? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) A scheme of rural broadcasting has been tried in the district of Midnapore.

(b) No official information.

(c) The matter is under consideration of Government now.

The Bengal Civil Service Examination.

59. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Home Department kindly lay on the table a statement showing—

(a) the number of Hindu and Moslem candidates who sat for the Bengal Civil Service Examination during each of the last 5 years including the current year;

- (b) the number of candidates of each community who secured minimum pass marks in each of those 5 years; and
- (c) the number of appointments made from each community each year?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): A statement showing the details asked for is placed in the Library.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Has the attention of the Hon'ble Minister been drawn to the fact that the percentage of candidates getting the minimum marks has been decreasing steadily? It was 80 per cent. in 1936, 80 per cent. in 1937, 68 per cent. in 1938 and 54 per cent. in 1939. Is any reason forthcoming for this steady decrease in the percentage of candidates securing minimum marks?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as far as last year was concerned, the result was fairly satisfactory. It is only this year that the percentage has gone down. As far as I can see, there is no apparent explanation except that perhaps we are not getting as good candidates as before.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It appears that Muslim education has on the whole been advancing. From the Government reports, we find that the percentage of passes in 1936 among Muslim candidates was 75 per cent., in 1937 it was 72 per cent., in 1938 it was 57 per cent. and this year it is only 36 per cent. Can any reason be assigned for this anomaly?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is because a very large number of appointments is being made compared to the number of candidates who appeared before. The number of appointments is very much larger.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am enquiring about minimum marks. Why has there been such a sudden and abrupt fall from 75 to 36 per cent. when we find that Muslim education is advancing?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know. In a particular year it may be that the batch of candidates was not up to the mark.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly have an enquiry made into the causes of this sudden fall?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think you can go by only one year's result.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I find it is steadily decreasing from year to year. The percentage of passes was 75 in 1936, 72 in 1936, 57 in 1938 and 36 in 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN: The percentages have not been worked out and it is very difficult to answer till that question is examined properly.

Appointments in the Settlement Departments.

60. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department kindly lay on the table a statement showing separately the number of gazetted officers, kanungoes, clerks, draftsmen and *muharrirs* on fixed pay, clerks and *muharrirs* on contract pay, peons and orderlies and *amins* and surveyors now employed in each settlement, including land revenue and petty settlements and the number of Moslems in each class?

The Hon'ble Maharaja SRISH CHANDRA NANDY, of Cossimbazar (on behalf of the Hon'ble Minister in charge of the Revenue Department): A statement is laid on the table.

Statement referred to in the reply to question No. 60 showing the total number of officers and staff and the number of Moslems in different settlements.

Class of posts.	Dinsajpur-Rangpur settlement.		Howrah settlement.		Mymensingh settlement.		Land Revenue settlements.		Grand Total.	
	Total number.	Number of Moslems.	Total number.	Number of Moslems.	Total number.	Number of Moslems.	Total number.	Number of Moslems.	Total number.	Number of Moslems.
(1) Gazetted Officers ..	4	2	3	1	5	1	4	..	17	4
(2) Kanungoes ..	14	3	1	..	21	3	13	3	49	9
(3) Clerks on fixed pay	25	9	5	1	21	5	32	7	83	22
(4) Draftsmen on fixed pay.	57	13	..	..	1	..	8	2	66	15
(5) Muharrirs on fixed pay.	114	42	19	6	38	9	16	4	187	61
(6) Clerks and Muharrirs on contract pay.	113	27	4	2	..	..	8	2	125	31
(7) Peons and orderlies ..	106	49	27	8	244	149	55	17	432	223
(8) Amins and surveyors on fixed pay.	..	..	..	..	94	72	9	6	103	78
(9) Amins and surveyors on contract pay.	..	..	..	..	..	..	46	28	46	28
Total ..	433	145	59	18	425	239	191	69	1,108	471

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to say why in spite of the Government resolution that at least 33 per cent. of the Government posts should be held by Muhammadans, less than 36 per cent. was held by Muhammadans in the Settlement Department in the ranks of Gazatted officers, kanungoes, clerks, draftsmen as well as *muharrirs* on fixed pay?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Because these appointments were made from time to time before Government came to the present communal ratio decision.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not speaking of the fifty-fifty ratio but about the former ratio of 33 per cent. I say that even 33 per cent. is not maintained.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That may be so.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly make an enquiry why the Government order was not followed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I shall bring it to the notice of the department concerned.

Leper Home in the district of Midnapore.

61. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state if he has come to any decision regarding my question No. 129 (h) (*i.e.*, for a free gift of a portion of the 740 acres of land acquired by Government in Salbani police-station, near Chandrakona railway station, in the district of Midnapore, and a small recurring grant of Rs. 7,000 only for a District Leper Home pending the establishment of a Provincial Leper Home by Government) which he took time to consider on the 11th July, 1939, and about which he gave assurance that "Every effort was being made to expedite a decision"? If so, what is it?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): Government has decided to transfer to the District Board of Midnapore, for the purpose of the proposed District Leper Home, an area of 200 acres out of

the land mentioned by the hon'ble member as well as the tube-well sunk by Government on the site, subject to certain conditions. The transfer will be made as soon as the formal consent of the Mission to lepers in India, which has been asked for, has been received.

Mr. NARESH NATH MOOKERJEE: Sir, before you pass on to the next item of business, may I submit that in future statements should be printed along with the answers, because statements laid on the table are not generally available to the members. When the statements are short, it would be convenient for us if these are printed along with the answers, as in some cases they are.

Mr. PRESIDENT: There are certain rules in this respect. I shall see that they are complied with.

Laying of the Bengal General Clauses (Amendment) Bill, 1939, on the Table.

SECRETARY to the COUNCIL (Mr. K. N. Majumdar): Sir, I have received the following message from the Secretary to the Bengal Legislative Assembly in conformity with the requirements of rule 68 of the Bengal Legislative Assembly Procedure Rules:—

“I am directed to send herewith one signed copy of the Bengal General Clauses (Amendment) Bill, 1939, as passed by the Assembly on the 5th December, 1939, together with 150 spare copies of the Bill and to state that the Bill was not referred to a Select Committee of the Assembly before it was passed.

Secondly, I have further to state that the ‘Bengal General Clauses (Amendment) Bill, 1939, was sponsored by the Hon'ble Nawab Musharruff Hossain, Khan Bahadur. A copy of the Statement of Objects and Reasons is enclosed.”

Sir, I beg to lay on the table the Bengal General Clauses (Amendment) Bill, 1939.

Supplementary Estimate of Expenditure.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, under section 81 of the Government of India Act, 1935, I beg to present the supplementary estimate of expenditure that will be necessary during the current financial year.

Mr. PRESIDENT: Order, order. Government Bills will now be taken up for consideration.

GOVERNMENT BILLS.

The Bengal Shops and Establishments Bill, 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I move the motion which stands in the name of the Hon'ble Mr. Suhrawardy, as he is absent to-day owing to illness? Sir, in this connection, may I refer you to rule 54? The proviso to that rule runs thus—

Mr. PRESIDENT: It has to be moved by the member-in-charge of the Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the proviso says that "provided that the President, in his discretion, may allow another member to move such motion or may postpone it."

Mr. RANAJIT PAL CHOUDHURI: It says "another member",—is a Minister a member here?

Mr. PRESIDENT: Under the rules, in the case of the absence of the member-in-charge of the Bill, it can be moved by any other member acting on behalf of the Government. So, Sir Nazimuddin is entitled to move it.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

- (1) Khan Bahadur Ataur Rahman,
- (2) Khan Sahib Subidali Molla,
- (3) Mr. Mohammad Hossain,
- (4) Mr. Krishna Chandra Roy Chowdhury,
- (5) Maulana Muhammad Akram Khan,
- (6) Mr. Naresh Nath Mookerjee,
- (7) Mr. Kamini Kumar Dutta,
- (8) Mr. Humayun Kabir,
- (9) Mr. W. B. G. Laidlaw,
- (10) Raja Bhupendra Narayan Sinha Bahadur, and
- (11) the mover,

with instructions to submit their report by the 28th February, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. HUMAYUN KABIR: Who will be the mover?

The Hon'ble Khwaja Sir NAZIMUDDIN: The mover will be the Hon'ble Mr. Suhrawardy, I think.

Mr. PRESIDENT: The mover will be Sir Nazimuddin who moves it.

The Hon'ble Khwaja Sir NAZIMUDDIN: In that case, Sir, with your permission will you allow somebody else to add the name of the Hon'ble Mr. H. S. Suhrawardy to the personnel of the Select Committee?

Mr. HUMAYUN KABIR: Sir, may I move that the name of the Hon'ble Mr. H. S. Suhrawardy be added to the personnel of the Select Committee?

Mr. PRESIDENT: It cannot be added because already eleven names have been proposed. You may substitute his name for one of the names already in the list.

Mr. HUMAYUN KABIR: Sir, may I move that in place of the word "mover", the words "the Hon'ble Mr. H. S. Suhrawardy" be substituted?

Mr. PRESIDENT: Under rule 56 of the Bengal Legislative Council Procedure Rules, the Minister in charge of the Department must be a member of the Select Committee. So, his name must be there. Instead of the words "the mover", the words "the Hon'ble Mr. H. S. Suhrawardy" may be substituted.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is very unfortunate that Mr. Suhrawardy has not been able to be present here to-day. He has been laid up suddenly with fever since yesterday, and I had to take this up at a very short notice. But there is one thing I feel, Sir, and that is that all along for the past two or three years, I have felt within myself the necessity for this Bill and to a certain extent I have taken some initiative in assisting Mr. Suhrawardy at least to bring it before this House, though it cannot be denied that it was Mr. Humayun Kabir's Bill which made the thing come up much earlier than it would otherwise have been in the normal course. Therefore, we are also grateful to Mr. Humayun Kabir for bringing his Bill in this House.

I feel, Sir, that this Bill is so very important from the point of view of those who are going to be affected by it that no lengthy speech is necessary on my part for referring this Bill to the Select Committee. The members of this House know what hours these people have got to keep. I know of shops—big shops, not petty ones—owned by people

who, I believe, do extensive business. Ninety per cent. of the import trade from Japan is done by them and the hours kept in those places are from 8 in the morning till 12 o'clock at night; and it is shocking how day in and day out, perhaps with 2, 3 or 4 days' leave in a year, except on the occasion of some kind of religious festivals, these shops are kept open from 8 in the morning till 8 o'clock at night and sometimes as late as 11 or 12 o'clock at night. Therefore, the sooner we tackle this problem and deal with it, the better. It may be argued that this Bill ought to be re-circulated for eliciting public opinion. But I feel that in view of the fact that Mr. Humayun Kabir's Bill has already been circulated and that this Bill differs from Mr. Humayun Kabir's Bill only in one or two respects, there is no necessity for sending it for circulation; it will only cause delay. On the other hand the Government have deliberately given a long date for submission of the report of the Select Committee, namely, 28th February, 1940, because they are going to publish the Bill again and call for opinions from interested parties. They intend to place those opinions before the Select Committee when they consider the Bill. As regards the new features that have been introduced in this Bill and the interests that are affected, all those classes will have a chance of representing their case before the Government and through the Government before the Select Committee. Therefore, I hope the members of this House will accept my motion and refer the Bill to the Select Committee.

Mr. PRESIDENT: Motion moved: That the Bengal Shops and Establishments Bill, 1939, be referred to a Select Committee consisting of—

- (1) Khan Bahadur Ataur Rahman,
- (2) Khan Sahib Subidali Molla,
- (3) Mr. Mohammod Hossain,
- (4) Mr. Krishna Chandra Roy Chowdhury,
- (5) Maulana Muhammad Akram Khan,
- (6) Mr. Naresh Nath Mookerjee,
- (7) Mr. Kamini Kumar Dutta,
- (8) Mr. Humayun Kabir,
- (9) Mr. W. B. G. Laidlaw,
- (10) Raja Bhupendra Narayan Sinha Bahadur, and
- (11) the Hon'ble Mr. H. S. Suhrawardy,

with instructions to submit their report by the 28th February, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. NARESH NATH MOOKERJEE: Will I be in order, Sir, if I move my amendment?

Mr. PRESIDENT: For circulation?

Mr. NARESH NATH MOOKERJEE: Yes, Sir.

Mr. PRESIDENT: Then you will be in order.

Mr. NARESH NATH MOOKERJEE: Sir, it is not my intention to delay the passage of this Bill, in fact—

Mr. PRESIDENT: First, read out the amendment, please.

Mr. NARESH NATH MOOKERJEE: Sir, I beg to move that the Bengal Shops and Establishments Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st January, 1940.

It is not our intention, Sir, to delay the passage of the Bill. In fact, we are in sympathy with the principle as well as most of the clauses of this Bill. But we feel, Sir, that this Bill is more far-reaching in character than the one sponsored by Prof. Humayun Kabir, inasmuch as it tries to include within its purview commercial establishments of all kinds. Sir, I feel that this is really a new Bill, a new measure; and I think we should take the opinion of those whom this Bill is likely to affect. I suggest a very short circulation, as you will see from the date given, namely, 31st January, 1940. I do hope that the Government and my friends here will not oppose my amendment, and I think we shall profit by the opinion that may be sent up to us by the various commercial interests. It may be possible then in the Select Committee to devise ways and means to change those clauses that are likely to prove a hardship and to make things extremely difficult for the commercial community. While it is true, as the Hon'ble Sir Nazimuddin has said, that some of these shopkeepers do penalise their assistants very much, and that the hours of attendance that they enforce upon their assistants are extremely hard, in the case of the big commercial houses, I do not think there is one single instance where the assistants are made to work for more than 7 hours a day. But, whatever that may be, I do feel that if instead of rushing it through in this fashion the House accepts my motion for circulation, it will help us in improving the Bill. I do hope that my friends in this House will support me as this is entirely a non-party measure.

Mr. PRESIDENT: Amendment moved: That the Bengal Shops and Establishments Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st January, 1940.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I support my hon'ble friend Mr. Naresh Nath Mookerjee, and in doing so, I would say that the Bill tries to bring about some changes in the law and regulate the shopping trade in this Province. Before the Bill is passed into law, the interests that would be affected must be consulted and their opinions must be before the Select Committee, so that there may be a full discussion of the whole case of the shop-owners and the general public. This is the first time that the shopping trade is going to be regulated in this manner and it is but meet and proper that the Bill should be circulated for eliciting public opinion thereon. With these words, Sir, I support the motion moved by my friend, Mr. Naresh Nath Mookerjee.

Mr. PRESIDENT: You have given notice of another amendment.

Rai SURENDRA NARAYAN SINHA Bahadur: I am not moving that amendment.

Mr. PRESIDENT: The House will now consider the motion for circulation.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I was at first inclined to support the motion for circulation of the Bill. But on hearing the Hon'ble the Home Minister, I think there is no special necessity for circulating the Bill at this stage. Sufficient time has been given (till the 28th February next) for the Select Committee to consider the provisions of the Bill. If they so desire, they can circulate the Bill for eliciting public opinion thereon and the opinions received may then be placed before the Select Committee for their consideration. I do not think the Bill is flawless, for opinions are bound to be divided on a Bill of this nature. There are some who think that some sort of relief should be given to the shop assistants while others are of the opinion that the Bill is unnecessary and should not be proceeded with. For instance, the closing of the shops at 8 p.m. and the grant of 1½ days' holiday every week are matters on which all may not agree.

So far as the other provisions of the Bill are concerned, I do not think we need go into them now, because they are almost identical with those incorporated in the non-official bill sponsored by my friend Prof. Humayun Kabir. To my mind, it would be better for the Select Committee to invite public opinion, for a measure of this kind may ultimately affect the public if such restrictions as envisaged in the Bill are imposed regarding the hours of sale, holidays, the question of leave, etc. All these regulations may result in an increase of the price of commodities, as the shop-keepers will not pay the extra expense on these accounts from their own pockets. These are factors

which should be very carefully considered before the Bill is passed. Hence the necessity for consulting public opinion which the Select Committee is competent to do.

Mr. HUMAYUN KABIR: Sir, I am grateful to the Hon'ble Sir Nazimuddin for the very kind words he has used about me in connection with this Bill. I shall consider my labours more than justified if I have succeeded in prompting the Government to bring this Bill before this House a little earlier than they would otherwise have done. With regard to the motion which is under the consideration of the House, I will submit that there is no case for circulation at this stage. As the Hon'ble Sir Nazimuddin has pointed out, the Government Bill is very similar to the Bill which I had the honour of moving two years ago in this House. I think the Bill which I sponsored was moved on the 20th January, 1938, and since then there has been a lot of discussion on my Bill. The Government have not moved very much from the general principle which I embodied in that Bill. To some extent, its scope has been extended and I welcome that. The Government have included the commercial establishments in the present Bill. This, I think, is a definite improvement; but on the other hand, Sir, there were certain other provisions in the Bill which I had the honour to sponsor and which have been given up by the Government, I think, to the detriment of the Bill. However, these are matters of detail which could be thrashed out in the Select Committee, and I have every belief that in a measure like this which is a non-party measure and which one might almost say, a non-political measure, a measure concerned with the social well-being of the people, there will not be much difference of opinion between different sections of the House. There is good reason for believing in this, because when my Bill was originally moved in this House there was response to this Bill from all over India. We had reactions from bodies so very different in opinion as "The Statesman" of Calcutta and the Congress Working Committee, both of whom agreed that a Bill like this was necessary. In a leader in "The Statesman" in January, 1938, it was pointed out that my Bill was probably the first of its type: for the first time the condition of shop assistants had been made the subject of legislation in India, and that it was a legislation which was eminently necessary. The Congress Working Committee, or its Industrial Sub-Committee, in a resolution, dated the 15th May, 1938, also accepted generally the provisions of the Bill which I had at that time the honour of introducing. They asked the Bombay Government to take up the principle of this Bill and initiate a measure of a similar type in that province. Since then, Sir, Bombay has stolen a march over us and if I have any quarrel with the Government to-day, it is only on account of the fact that the Government have allowed themselves to sleep over this matter

for two years. The Hon'ble Sir Nazimuddin has himself admitted to-day that there is very little difference between the Bill which I had moved and the Bill which the Government have introduced to-day. If there was very little difference, what objection was there to the Government taking up this Bill at that earlier stage? Or, if the Government did not want to take it up themselves, why did they not allow me to proceed with the Bill at that time? If that had happened, Bengal might have claimed to be the first province in India to have a social legislation of this type. Therefore, if I have any quarrel with the Government to-day, it is only on account of the delay, the slowness and the procrastination which they have shown in dealing with a matter of this type but not in any other direction.

And, therefore, Sir, I feel it my duty to oppose any motion for circulation which might be moved at this stage, particularly for the reason which has been suggested by Sir Nazimuddin himself that this Bill was unofficially circulated. My Bill was circulated to most of the departments and most of the interests concerned, and not merely that. When the Bill was first sponsored, there was a great agitation in different parts of Calcutta and action was taken by certain organizations on the lines of this Bill. I think that many members of this House know that since this Bill was introduced last year, the practice of giving holidays on Sundays has already become almost an established practice in many trades in Calcutta. The practice of at least a half holiday on Sundays has become a practice in certain other trade interests in Calcutta. I submit that this Bill has been before the public for two years, and the public has expressed itself, and if I may say so, almost unanimously on the necessity of a measure like this. Therefore, Sir I would support the motion moved by the Hon'ble Sir Nazimuddin that the Bill be referred to a Select Committee and the Select Committee should report by the 28th February next year; so that we can expect that it will be placed on the Statute book before the end of the next financial year.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I have considered this Bill a bit carefully. There are certain difficulties which I feel bound to place before the House, so that they may be taken into consideration.

Mr. PRESIDENT: The present motion is not for consideration of the Bill. The main proposition is for its reference to a Select Committee. Of course, that will commit the House to the principle of the Bill but the amendment is for circulation.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the difficulties that I feel lie rather on the border-line. (Laughter.) The Chair may consider whether they go to the very root of the matter or are

minor details. If they are only matters of detail, they can certainly be taken up by the Select Committee but if they are difficulties of a more fundamental nature, they cannot very well be cured in the Select Committee because, by accepting the motion for reference to the Select Committee, we will be committed to the principle of the Bill.

Now, Sir, the Bill has divided establishments into three classes, namely, (1) shops, (2) commercial establishments and (3) establishments for public entertainment or amusement.

With regard to a shop, the definition is extremely general, i.e., "any premises" where "sale of commodities or articles" takes place and then there is a formidable number of bewildering exceptions. To add to the uncertainties, these exceptions are again subject to modifications by the Government. I submit, Sir, that a definition in a general way like this, with a large number of exceptions and counter-exceptions, would rather make the residue very vague and practically unascertainable. I would suggest that the definition should be by specific enumeration so as to make it clear and definite. We must not forget that there are penal clauses.

Then, Sir, there are other serious difficulties, namely, that power has been taken by Government to modify and change the provisions of the Act itself by means of notifications. This seems to me to be rather unusual. I believe that whenever an Act requires any change, the Legislature must be taken into confidence. I submit, Sir, that the acceptance of these provisions would amount to an encroachment on the legitimate functions of the Legislature. They would amount to a suppression of the Legislature and this is a proposition which can never be agreed to. I submit that such an attempt has been made here, namely, in the definition of the word "shop" in clause 2 (9). It is to the effect that "shop" "includes any establishment where sale of commodities or articles takes place and such other premises as the Provincial Government may by *notification* declare to be a shop",—and so forth. So, the definition of "shop" may be changed at will by Government. If this stood there alone, I would not have minded very much, but the wording of the next clause is more open to objection—I mean clause 3. In sub-clause (1) of clause 3, power has been taken to change any of the provisions of the Act by means of notification. This sub-clause lays down that "the Provincial Government may, for the purposes of all or any of the provisions of this Act, and with *such modification of any of those provisions* as it thinks fit, by *notification* declare" any premises to be a shop or a commercial establishment or an establishment for public entertainment or amusement. The most objectionable feature of the Bill, to my mind, is that important provisions of the Act may be changed so as to make the definition of these establishments fluctuate with the temper of the person who is in charge of the department for

the time being. Then, as if the meaning was not quite clear, in sub-clause (2), the meaning has been sought to be made clearer. Sub-clause (2) runs thus: "The provisions of this Act specified in a notification under sub-section (1), which *such modifications as may be specified in the said notification*, shall apply to any premises....." and so on. Thus, Sir, any of the provisions of the Act may be changed by notification. It would amount to an attempt to keep the Act up to date by the issue of departmental correction slips. It would be a bewildering business in all conscience.

These, Sir, are some of the difficulties, and I submit that the definition of "shop" and "establishment" should be by enumeration and not by a combination of generalisation and exceptions. The power of changing an Act by notification should be discouraged. This being an absolutely non-contentious measure calculated to make for the welfare of the people, there should be the least amount of ambiguity and uncertainty in the Act. If definition by enumeration is not complete, there will be no harm. There is no urgency for completeness. We may begin by trying enumeration and if there are gaps, we can approach the Legislature to have the Act changed. In a legislation like this, we should proceed with caution. Certainty and simplicity should be our policy, and co-operation of the people concerned is essential for success. An impression of coercion would be fatal to success. We should proceed from experience to experience. I do not know, Sir, whether the points mentioned by me are the fundamental features of the Bill. I am very doubtful about it myself. If they are not, the Select Committee will do well to take note of all this and try to improve the Bill on the lines suggested.

Mr. PRESIDENT: The question before the House is: that the Bengal Shops and Establishments Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st January, 1940.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I make my submission, Sir?

Mr. PRESIDENT: Yes, you may.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, all that I have got to say, as far as my friend Khan Bahadur Naziruddin Ahmad is concerned, is that in my opinion the fundamental principle behind this Bill is the restriction of shop hours of the employees. That is the fundamental principle. Issues, such as what class of shops is meant to be brought under the purview of this Bill or what should be the hours, are matters of detail which the Select Committee can decide; but the principle behind it is the idea to restrict the shop hours, so that the employees may not have to work beyond a certain length of time any day. Therefore, I hope my friend's objection has been met.

Now, as regards the motion for circulation. I have already stated, Sir, that what Government are going to do is to re-publish the Bill immediately and issue a communiqué calling upon all who are interested in the matter to send their opinions on this Bill at once. I am speaking subject to the approval of the Hon'ble Mr. Suhrawardy afterwards, because I have had no discussion with him on this point but I understand that these are his instructions. As regards the actual date of sending opinions, we shall call upon all to submit them by the 15th January, 1940, so that the Select Committee may meet immediately after that and may be able to consider the opinions that we have received since then. That will avoid the difficulty of coming to the Council again with a formal motion for Select Committee reference and it may be that we may not be able to get this Bill passed by the end of the Budget session, if I accept the circulation motion. On the other hand, the method which we have suggested will enable us at least to finish this Bill as far as this House is concerned before the next Budget Session is over, so that at the most by next July session, it can go through the Assembly and be in force by the end of August, 1940.

In view of what I have stated, I hope the hon'ble member will withdraw his motion for circulation.

Mr. PRESIDENT: The question before the House is: that the Bengal Shops and Establishments Bill, 1939, be referred to a Select Committee consisting of—

- (1) Khan Bahadur Ataur Rahman,
- (2) Khan Sahib Subidali Molla,
- (3) Mr. Mohammad Hossain,
- (4) Mr. Krishna Chandra Roy Chowdhury,
- (5) Maulana Muhammad Akram Khan,
- (6) Mr. Naresh Nath Mookerjee,
- (7) Mr. Kamini Kumar Dutta,
- (8) Mr. Humayun Kabir,
- (9) Mr. W. B. G. Laidlaw,
- (10) Rāja Bhupendra Narayan Sinha Bahadur, and
- (11) the Hon'ble Mr. H. S. Suhrawardy,

with instructions to submit their report by the 28th February, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

To this, an amendment has since been moved, namely, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1940.

The amendment was put and negatived.

Mr. PRESIDENT: The question before the House is that the Bengal Shops and Establishments Bill, 1939, be referred a Select Committee consisting of—

- (1) Khan Bahadur Ataur Rahman,
- (2) Khan Sahib Subidali Molla,
- (3) Mr. Mohammad Hossain,
- (4) Mr. Krishna Chandra Roy Chowdhury,
- (5) Maulana Muhammad Akram Khan,
- (6) Mr. Naresh Nath Mookerjee,
- (7) Mr. Kamini Kumar Dutta,
- (8) Mr. Humayun Kabir,
- (9) Mr. W. B. G. Laidlaw,
- (10) Raja Bhupendra Narayan Sinha Bahadur, and
- (11) the Hon'ble Mr. H. S. Suhrawardy,

with instructions to submit their report by the 28th February, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The motion was agreed to.

The Inland Steam Vessels (Bengal Amendment) Bill, 1939.

Mr. PRESIDENT: Sir Nazimuddin, will you move the next Bill on the agenda?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. I beg to move that the Inland Steam Vessels (Bengal Amendment) Bill, 1939, be taken into consideration.

Sir, this is an entirely formal amendment to bring it into line with the British Merchant Shipping Act. At the present time, when an enquiry is held there is no means of defraying the expenses of the enquiry from those who are responsible for the accident, and Government have to bear the expenses entirely. What the Bill provides for is that if a Court thinks fit, it can realise by means of fines, money from the company responsible to defray the cost which Government had actually incurred. Therefore, Sir, the amendment is really following the practice which at present obtains in the case of sea-going vessels. A Court may make such order as it thinks fit respecting the costs of the investigation or any part thereof, and such order will be

enforced as an order under the Summary Jurisdiction Act as is done in the case of the British Merchant Shipping Act. This is the English Act, and we will be introducing the same principle in the case of the Inland Steam Vessels for application to Bengal.

Mr. PRESIDENT: Motion moved: that the Inland Steam Vessels (Bengal Amendment) Bill, 1939, be taken into consideration.

The question before the House is: that the Inland Steam Vessels (Bengal Amendment) Bill, 1939, be taken into consideration.

(The motion was agreed to.)

Clauses 1, 2 and 3.

Mr. PRESIDENT: The question before the House is that clauses 1, 2 and 3 stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is: that the title and preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Inland Steam Vessels (Bengal Amendment) Bill, 1939, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Inland Steam Vessels (Bengal Amendment) Bill, 1939, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Workmen's Protection (Amendment) Bill, 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. H. S. Suhrawardy): Sir, I beg to move that the Bengal Workmen's Protection (Amendment) Bill, 1939, be taken into consideration.

Here again, a slight amendment is proposed to be made which is entirely in favour of workers. We are adding, first of all, to the classes of people who will be entitled to compensation. There is another amendment to clause 3 (I). In the old Act, the sub-section was applicable only to "whoever loiters at or near any place where a workman works," but the section as amended is applicable to "whoever loiters at or near

any place where a workman works or receives his wages, etc. etc." The place where he receives his wages is more important in my opinion than merely the place where he works. These are the two material changes proposed to be introduced in this Bill. Apart from these, there is nothing of very great importance.

Mr. PRESIDENT: Motion moved: that the Bengal Workmen's Protection (Amendment) Bill, 1939, be taken into consideration.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st February, 1940. Important interests are likely to be effected and we could not possibly consider a measure like this without consulting them. With this object, I move my amendment for the purpose of circulating the Bill for eliciting public opinion thereon.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st February, 1940.

The Hon'ble Khwaja Sir NAZIMUDIN: Sir, I submit there is practically no reason advanced for circulating the Bill. It is a very slight amendment and it is in the interests of the workmen to give them greater protection so that they can keep the wages which they have rightly earned by their hard labour and there can be no two opinions on that point. The circulation will merely delay the whole thing. I suggest that in view of what I have said the honourable member should withdraw his amendment and if he refuses, the House should oppose it.

Mr. PRESIDENT: The question before the House is: that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st February, 1940.

(The motion was negatived)

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

- (1) the Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Commerce and Labour Departments,
- (2) Raja Bhupendra Narayan Sinha Bahadur,
- (3) Mr. Nagendra Narayan Roy,
- (4) Mr. Ranajit Pal Chowdhury,
- (5) Mr. Humayun Kabir,
- (6) Mr. H. C. A. Hunter,

- (7) Mr. W. B. G. Laidlaw,
- (8) Khan Sahib Subidali Molla,
- (9) Mr. Kader Baksh, *
- (10) Mr. Krishna Chandra Roy Chowdhury, and
- (11) the mover,

with instructions to submit their report by the end of March, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: Amendment moved: that the Bill be referred to a Select Committee consisting of—

- (1) the Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Commerce and Labour Departments,
- (2) Raja Bhupendra Narayan Sinha Bahadur, *
- (3) Mr. Nagendra Narayan Roy,
- (4) Mr. Ranajit Pal Chowdhury,
- (5) Mr. Humayun Kabir,
- (6) Mr. H. C. A. Hunter,
- (7) Mr. W. B. G. Laidlaw,
- (8) Khan Sahib Subidali Molla,
- (9) Mr. Kader Baksh,
- (10) Mr. Krishna Chandra Roy Chowdhury, and
- (11) the mover,

with instructions to submit their report by the end of March, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Hon'ble Khwaja Sir 'NAZIMUDDIN: Sir, I beg to oppose this motion. I think there is no justification for referring the Bill to a Select Committee. The Bill is a very simple one and I believe there is not much difference of opinion on the Bill itself. So, I think we can take it into consideration just now and pass it here and now instead of referring it to a Select Committee.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to withdraw my amendment. *

Mr. PRESIDENT: Is it the pleasure of the House to allow the hon'ble member to withdraw his amendment?

(No objection being raised, the amendment was, by leave of the House, withdrawn.)

Mr. PRESIDENT: The question before the House is: that the Bengal Workmen's Protection (Amendment) Bill, 1939, be taken into consideration.

(The motion was agreed to.)

Clauses 1 and 2.

Mr. PRESIDENT: The question before the House is that clauses 1 and 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

Mr. NUR AHMED: Sir, I beg to move that in clause 3 of the Bill, in sub-section (1) of the proposed section 3, for the words "with fine" appearing in line 7, the words "with a fine which may extend to two hundred and fifty rupees" be substituted.

Sir, this is a very simple amendment and I hope it will be accepted. The original clause runs thus:—

"Whoever loiters at or near any place where a workman works or receives his wages in a manner or in circumstances indicating that he is so loitering with a view to recover any debt from such workman shall be punished with imprisonment which may extend to six months or with fine or with both."

No mention of the amount of fine is made here and so I beg to move a simple amendment. I would request the House to accept it.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, in sub-section (1) of the proposed section 3, for the words "with fine" appearing in line 7, the words "with a fine which may extend to two hundred and fifty rupees" be substituted.

Mr. HUMAYUN KABIR: Sir, I would like to support this amendment of Mr. Nur Ahmed. This is a very harmless amendment and I think the Government will accept it as such. It is but proper that workmen should be safeguarded in this way and at the same time if the amount of fine is left indefinite, it may in certain cases entail undue hardship upon the person who might be loitering there. With a view to obviate that, Mr. Nur Ahmed has moved his amendment that

the fine need not be more than Rs. 250 and I think that it is a sufficiently deterrent sentence. It would have been better if the Government had made a distinction between those who would be punished for the first time for the first offence and those who would repeat the offence after having been punished once. If a deterrent sentence were imposed upon the latter, it would probably have improved the Bill. With these words, I support the amendment moved by Mr. Nur Ahmed.

The Hon'ble Khwaja Sir NAZIMUDDIN: Government will not oppose this amendment. They are prepared to accept the amendment restricting the fine up to a maximum of Rs. 250.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill, in sub-section (1) of the proposed section 3, for the words "with fine" appearing in line 7, the words "with fine which may extend to two hundred and fifty rupees" be substituted.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, I beg to move that in clause 3 of the Bill, in paragraph (c) of the Explanation to the proposed section 3, after the word "tramway", the words "motor or bus" be inserted.

This is I think a most important amendment. The Explanation runs thus:—

"The expression 'public utility service' in this section means—

- (a) any railway service; or
- (b) any water transport service; or
- (c) any tramway service; or
- (d) any postal, telegraph or telephone service; or
- (e) any system of public conservancy or sanitation; or
- (f) any industry, business or undertaking which supplies power, light or water to the public, or which the Provincial Government may, by notification in the 'Official Gazette,' declare to be a public utility service for the purposes of this Act."

Here in the Explanation, even the tramway service has been included but motor and bus services have been excluded. I want to include them so that the benefit may extend to these services also. They are in the same position as the tramway conductors. Why should they be excluded? I don't find any reason for their exclusion. So, I appeal to the House to accept this simple amendment and extend the benefit to the motor and bus drivers whose number is very large throughout the country.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, in paragraph (c) of the Explanation to the proposed section 3, after the word "tramway", the words "motor or bus" be inserted.

Mr. HUMAYUN KABIR: Sir, I beg to support the amendment moved by Mr. Nur Ahmed.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think that it cannot be motor or bus. It must be motor bus. If you allow the mover of the amendment to modify his amendment as I have suggested, Government will have no objection to accept it.

Mr. NUR AHMED: I accept the suggestion of the Hon'ble Minister. In the original amendment I sent in, the words used were "motor bus".

Mr. HUMAYUN KABIR: Sir, may I move a further short-notice amendment that for the words "motor bus" the words "motor bus or motor car service" be substituted. There may be certain cases where the running services organised are motor cars. I think that the Government will have no objection to including the workers in such services also.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, instead of "motor car or motor bus service", I suggest that it may be "motor service".

Mr. PRESIDENT: I think if it is changed to motor service by the original mover, I shall accept it.

Mr. NUR AHMED: I accept the words suggested, viz., "motor service".

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill, in paragraph (c) of the Explanation to the proposed section 3, after the word "tramway", the words "motor service" be inserted.

(The motion was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that clause 3 as amended stand part of the Bill.

Mr. PRESIDENT: The question before the House is that clause 3 as amended stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that the title and preamble stand part of the Bill.

(The motion was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bill, as settled in the Council, be passed.

The question before the House is that the Bill, as settled in the Council, be passed.

(The motion was agreed to.)

Bengal General Clauses (Amendment) Bill, 1939.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to request you to waive the usual period of notice under rule 77 (I) of the Bengal Legislative Council Procedure Rules and to permit me to move the motion on the 14th instant. The motion stands thus—that the Bengal General Clauses (Amendment) Bill, 1939, as passed by the Bengal Legislative Assembly, be taken into consideration.

Mr. PRESIDENT: May I take it that there is no objection?

(Cries of “no objection”.)

Mr. PRESIDENT: The rule is suspended and the Hon'ble Minister is permitted to move it on the 14th instant.

(After a pause.)

Order, order.

The House will now proceed with the discussion, clause by clause, of the Bengal Money-lenders Bill, 1939.

The Bengal Money-lenders Bill, 1939.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Point of Order.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I rise on a point of order. The other day when the Bill was first moved for consideration, I raised a point of order questioning the competency of this

Council to deal with the Bill as several of its provisions tended to encroach on the Federal List. You were pleased to rule at that time that points of order might be raised when these different provisions were under discussion.

But my point to-day is that the several *ultra vires* clauses are not isolated matters which can be extricated from the rest of the provisions and dealt with separately from the point of view of competence of this House, but on the other hand they run through and through the whole texture of this Bill. In such cases, the entire Bill has been considered to be *ultra vires*. So, my point of order to-day is that unless the whole Bill is recast so as to exclude all Federal subjects which I indicated the other day, the whole Bill is beyond the power of this House.

In this connection, I would like to add that the provisions of this Bill are hit by items Nos. 28, 33, 38—

Khan Bahadur ATAUR RAHMAN: On a point of information, Sir. Unfortunately, we have not been able to follow what the hon'ble member has read out.

Mr. PRESIDENT: I would request the hon'ble member to pay more attention in future. At the same time, Rai Surendra Narayan Sinha Bahadur may repeat his main points.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I shall try to read out more loudly.

Khan Bahadur ATAUR RAHMAN: Please give us a summary of your point of order.

Rai SURENDRA NARAYAN SINHA Bahadur: The summary of my point of order is that there are some matters in the Bill which are, in my opinion, federal subjects, e.g., promissory notes, all banking corporations (without the scheduled banks), not excepting the Reserve Bank of India because it is not itself a scheduled bank. And there are other sections in the Bill which are hit by items Nos. 28, 33, 38, 42, 53 and 59 of the Federal List of the Constitution Act. Though money-lending business falls within the Provincial List, there are nevertheless federal subjects included in the Bill, as I have mentioned. The offences as set out in clause 23 which will be offences with respect to banking by Corporations also, so far they are not partly excepted as indicated above, they will thus be hit by item No. 42 of the Federal List. Then come licence fees in clause 10, which so far as they concern banking by corporations will be fees in respect of matters in the Federal List and will thus be hit by item No. 59 of the Federal List, and so on.

So, my point is that this House is not competent to consider all the sections of the Bill and the different sections being inextricably mixed up, the Bill ought to be recast and then reconsidered by this House.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, my friend has sprung a surprise. So far all the objections for the consideration of the Bill came from the Lower House and they were all discussed and dealt with. The Lower House sent this Bill after considering all the facts and circumstances. Now, Sir, on the very first day when the question as to whether the Bill should be considered at all or not was discussed in this House, all these points were raised—

Rai KESHBH CHANDRA BANERJEE Bahadur: On a point of order, Sir. Is the Hon'ble Minister entitled to refer to what had happened in the other House? We are concerned with the point of order raised by Rai Bahadur Surendra Narayan Sinha.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, can there be a point of order in the midst of a discussion of another point of order.

Mr. PRESIDENT: I would request the Hon'ble Minister to avoid reference to what had happened in the Lower House as much as possible.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: On the first day, my friend put before the House whatever objections he had against the consideration of the Bill and the House then practically unanimously decided that the Bill would be considered to-day. Now all on a sudden, he again says that it cannot be considered. Sir, my hon'ble friend has raised only two points. The first point he raised was about banking—

Mr. PRESIDENT: That is not the point at issue now. The little point that he has raised now is that the alleged offending clauses are so inseparable that it is difficult to extricate the particular clauses that are *ultra vires* and that as such the entire Bill should not be entertained. I have considered this matter myself. So, it is not necessary for the Hon'ble Minister to argue further. On reference to books of authority, I find that Wynes in his "Legislative and Executive Powers in Australia" has dealt with this question. At page 46 of his book, he says: "When an enactment of the Commonwealth or a State Parliament is found to contain provisions which are *ultra vires*, it does not follow that the whole Act is necessarily invalid, for where some only of such provisions offend, they may be severable from the rest. Or the Act, while in respect of subject-matter within the constitutional power, may purport to apply to persons or things beyond the power; in such a case it may be entirely valid as to some classes of case and bad as to others".

Later on, the same author remarks, "On the other hand, if the provisions are so mutually connected with and dependent on each other as conditions, considerations or compensations for each other, as to warrant the belief that the Legislature intended them as a whole, and if all could not be carried into effect the Legislature would not pass the residue independently, then if some parts are unconstitutional all the provisions which are thus dependent, conditional or connected must fall with them".

This is the principle that should be followed in deciding the question as to whether if a particular clause is *ultra vires*, the whole Bill should or should not be entertained. If the alleged offending clauses are so inseparable that they cannot be dealt with separately, then alone the objection raised by the hon'ble member will be pertinent.

I find the same point also dealt with in Cooley's Constitutional Limitations at page 246. The real point to be taken into consideration in this connection is whether they are essentially and inseparably connected in substance.

This question has also been discussed at considerable length by the Hon'ble Mr. Justice Sulaiman in *Re: Shyamakant versus Rambhajan*, reported in 2 Federal Law Journal at page 201.

So, the main question hinges on whether the particular clauses objected to, namely, those about banking or promissory notes, are so inseparable from other clauses in the present Bill that they cannot be separated. In that case, of course, the point raised would hold good. I would refer the hon'ble member to clause 2 (13) (d) (i) where banks are concerned. If the portion "by a bank which was a scheduled bank on the first day of January, 1939, or by a bank which has been declared to be a notified bank" is omitted, then the objection raised by the hon'ble member will be eliminated. In view of the fact that the matters, which the hon'ble member objected to as being beyond the jurisdiction of the provincial legislature, are separable from other matters dealt with in the Bill, I rule that the point is not well-taken.

MR. NARESH NATH MOOKERJEE Sir, may we then take it that the irrelevant portions are going to be excluded?

MR. PRESIDENT: That is a matter for further consideration. At the present moment, I have to reply to the point raised by the hon'ble member that some of the clauses of the Bill, in his opinion, have offended against the Government of India Act and gone beyond the jurisdiction of the local Legislature. Now, as they are separable and can be treated in a different way, if it is ultimately held that the House has no jurisdiction over matters of banking and promissory notes, they can be left out,—that is all that I have held.

Rai Sahib INDU BHUSAN SARKAR: Sir, I beg to move that in sub-clause (4) of clause 2 of the Bill for the word "solely" in line 2, the word "mainly" be substituted.

The reason for my amendment is this. If this clause is allowed to remain as it is, with regard to commercial loan, it means a loan advanced to any person to be used by such person solely for the purposes of any business or concern relating to trade, etc. It will be a great hardship on the part of money-lenders if this clause is meant to apply to a loan advanced to any person to be used by such person solely for the purpose of any business, etc., etc. If one lends Rs. 1,000 and if a small portion of that amount is utilised for purposes other than those specified in the clause, it would be excluded from the purview of this clause. So, it will be a great hardship on this part of the money-lender. I would like therefore to insert the word "mainly" in place of "solely". With these words, I commend my amendment to the acceptance of the House.

MR. PRESIDENT: Amendment moved: that in sub-clause (4) of the Bill, for the word "solely" in line 2, the word "mainly" be substituted.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose the amendment. This represents a compromise which has been effected after a good deal of trouble between the two parties. Both the lender and the borrower are influential people and they came to this compromise. After the compromise, if my friends want to raise the issue, I don't think it would be right and proper. So, I would ask my friend to remember the compromise and honour it.

MR. NARESH NATH MOOKERJEE: On a point of information, Sir. May I ask the Hon'ble Minister whether the compromise was effected between Government and the European Group or between money-lenders and the borrowers?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The compromise was between the lenders and the borrowers.

MR. PRESIDENT: The question before the House is that in sub-clause (4) of clause 2 of the Bill, for the words "solely" in line 2, the word "mainly" be substituted.

(The amendment was negatived.)

Rai Sahib INDU BHUSAN SARKAR: Sir, I beg to move that in sub-clause (4) of clause 2 of the Bill, the "Explanation" be omitted.

The Explanation runs thus: "Notwithstanding anything contained in any agreement relating thereto, a loan shall not be deemed to be a commercial loan unless it is in substance a loan to be used solely for any of

the purposes referred to in this clause". If this explanation remains, the same difficulty would arise and it would be difficult for the money-lender to establish whether a loan or part of the loan which was originally taken as a commercial loan was subsequently used for purposes other than those mentioned in the clause. This difficulty would be there. So, I propose that the Explanation should be omitted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (4) of clause 2 of the Bill, the "Explanation" be omitted.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose it on the ground that this "Explanation" is necessary. The House has already accepted the word "solely" as the basis of the loan. So long as the word "solely" is there, the "Explanation" cannot be omitted. If it is omitted, the decision that has been come to will be upset. Sir, we must stick to the decision we have come to.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I do not propose to move the amendment standing in my name but I will support the amendment moved by my friend Rai Sahib Indu Bhushan Sarkar. In supporting it, Sir, I would like to say that the commercial loan has been very explicitly defined in the main body of this sub-clause. The explanation merely lays down that the money thus advanced will be used solely for the purpose or purposes indicated in the definition. There is again another condition laid down which is that it must in substance be a loan to be used solely for the purpose of business. This will merely complicate matters, the effect of which will be that many loans taken in the course of business may be declared to be not commercial loans. In such cases, the purpose of the Act will be defeated. It is best to leave the definition alone without the imposition of this condition. The law courts will interpret the definition liberally so as not to defeat the purpose of the Act and that is after all what we are trying to promote. On this ground, I support the amendment moved by my friend Rai Sahib Indu Bhushan Sarkar.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to oppose the amendment. It is said that the "Explanation" is redundant. I submit that the "Explanation" contains a very important element, viz., the point whether a loan is a commercial loan must be determined by the practical consideration whether it is in substance a loan to be used solely for any of the purposes referred to in this clause. This will do away with most of the technicalities and arguments. It makes the definition absolutely clear and free from any doubt.

Mr. PRESIDENT: The question before the House is: that in sub-clause (4) of clause 2 of the Bill, the "Explanation" be omitted.

(The amendment was negatived.)

Mr HUMAYUN KABIR: Sir, I beg to move that in sub-clause (4) of clause 2 of the Bill, in the Explanation, after the word "loan" in line 2, the words "of an amount less than rupees five thousand" be inserted.

Sir, if my amendment is accepted, the "Explanation" will read as follows:—

"Notwithstanding anything contained in any agreement relating thereto, a loan of an amount less than Rs. 5,000 shall not be deemed to be a commercial loan unless it is in substance a loan to be used solely for any of the purposes referred to in this clause."

The purpose of my amendment is to make the Bill more effective. I take it that the main object of the Bill is to give relief to the poorer sections of the community, the poor debtors who have been oppressed by money-lenders. At the same time, I take it that it is not the intention of any member of this House that commercial credit should be restricted and that there should be any limitations placed on the development of trade and industry in the country. Now, Sir, as the "Explanation" stands, a loan will not be taken to be a commercial loan even if there be a statement to that effect in the agreement itself unless the lender can prove that the borrower has used the whole amount for commercial purposes alone; in other words, it is quite possible that a situation might arise where a particular man borrows money for commercial purposes and after taking the money from the lender, in order to defraud the creditor, he diverts a portion of it for some non-commercial purpose. Immediately such a transaction will come within the mischief of this "Explanation."

Now, with regard to loans which are for Rs. 5,000 or below, I accept the principle which has been laid down in the explanation, namely, that the onus of proving that it is a commercial loan shall be on the lender; in other words, it will be the borrowers who will get the relief. People who take loans of Rs. 5,000 or less are generally poor people who are not able to protect their own interests or look after the intricacies of law in a proper manner. Therefore, Sir, I accept the principle which is implied here. Even though a loan is stated to be a commercial loan, it need not be a commercial loan. In some cases, it may be that a creditor, merely to get out of this Act, will give loan to an agriculturist and yet try to pass it off under the colour of a commercial loan. Therefore, this explanation is necessary.

But I think that the case of those who take large loans, who take loans of Rs. 5,000 or more stands on a different footing. In the case of persons who have a credit of Rs. 5,000 or more in the market, we can assume *prima facie* that they are persons who can take care of themselves and their interest and who can and do take legal advice, if necessary. Therefore, Sir, in such cases, I think, the onus of proof that it is not a commercial loan should be on the borrower. In the case of a loan of Rs. 5,000 or less, whether it is a commercial loan or not, the onus of proof shall be on the lender, but in the case of loans of Rs. 5,000 or more, that is, in the case of larger transactions, the onus shall be on the borrower. A situation might develop easily when a person, who is well to do and who has to deal with Rs. 50,000 or a lakh of rupees on commercial transactions, may take a loan of, let us suppose, Rs. 1,25,000 for commercial purposes, and in the agreement it is stated that this loan of Rs. 1,25,000 is taken for commercial purposes. After that, he spends Rs. 3,000 or Rs. 5,000 out of that for some non-commercial purposes and takes care to see that there is evidence to show that this Rs. 3,000 or Rs. 5,000 has been spent on non-commercial purposes. As soon as that has been done and after he has spent Rs. 5,000 on a party which he gives to honourable members of this House (laughter), he goes before the Court and says that this is a non-commercial loan because it has not been solely used for commercial purposes. He says that he has spent Rs. 1,20,000 on industrial projects, but Rs. 5,000 he has used for giving a party to the members of this House and they are all witnesses that such an event has taken place. Immediately, he will get the protection of this Act. To meet such cases, my amendment should be accepted by this House. In the case of poor men, by all means give them protection as in most cases they cannot protect themselves. But in the case of those who deal with larger sums and in the case of those who are able to protect themselves, there is no reason why the State should take sides either on behalf of the lender or the borrower. I completely agree with the sponsors of the Bill that every possible protection should be given to the weaker side but where both are strong and both are equally able to defend themselves, there is no reason why the State should interfere in this manner.

Further, there is the risk that if the explanation remains in the present form, in the case of large transactions—transactions involving tens of thousands of rupees and even lakhs and crores of rupees, if there is the possibility that after money has changed hands in this way, the creditor might be defrauded, there is a strong probability that commercial credit will dry up. People may not be willing to advance money for commercial expansion and I think there is no member in this House who wants that money should not be provided for industrial

and commercial expansion of the country. For these reasons, I would ask the Hon'ble Minister to accept this amendment because it does not in any way go against the spirit of the Bill. It only makes it more clear. It gives protection where protection is necessary. There is no partiality; both sides are able to take care of themselves. People who have got a credit of Rs. 10,000 or more, can get and do take legal advice. In the case of larger transactions, this is always done. Therefore, I move that in the Explanation, after the word "loan", these words be inserted, namely, of an amount less than Rs. 5,000," so that the result would be that in the case of loans of Rs. 5,000 or less, the onus of proof will be on the lender and in the case of those of Rs. 5,000 or more, the onus of proof will be on the borrower.

Mr. PRESIDENT: Amendment moved: that in sub-clause (4) of clause 2 of the Bill, in the Explanation, after the word "loan" in line 2, the words "of an amount less than rupees five thousand" be inserted.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose the motion on the ground that this sub-clause is the result of a compromise and I cannot go against the spirit of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to oppose the amendment on merits. The amendment seems to be based on a misconception. My honourable friend thinks that if there is an intention to borrow a certain amount for commercial purposes, and if it is actually borrowed with that intention, subsequent expenditure of that amount for non-commercial purposes will vitiate it. I believe my friend's apprehensions are wrong. If an amount is borrowed for commercial purposes, it does not matter how the money is spent subsequently. If a man induces a credulous person to part with some money on the understanding that it will be spent for commercial purposes and then it is possible for him to spend a part of that amount for non-commercial purposes, if the law is like that, then it will lead to fraud. I beg to submit, Sir, that the whole thing depends on the original intention, and in view of that there is no need for any amendment like this. Besides, Sir, it is very difficult to distinguish as to who is rich and who is poor. It is not always the case that a man who has a borrowing capacity of Rs. 5,000 or less is a poor man and a man who has a borrowing capacity of above Rs. 5,000 is a rich man. In these circumstances, I beg to submit that the amendment is based on a misconception. The amendment is not at all necessary.

Mr. NUR AHMED: Sir, I oppose the amendment. My honourable friend has stated before the House the reason why he moved the

amendment. He said that commercial loans should remain undisturbed and that there should be no interference, so far as the commercial interests are concerned. He has also stated that if the Bill is amended in this way, the poorer section of the people, for whom the law is being enacted, will be benefited. I would warn the honourable member that on the contrary, the amendment will hit the poor instead of benefiting them. He says that if an agriculturist has got in his document a loan of not less than Rs. 5,000, then it is a commercial loan. The onus is on the poor to prove that what is stated in the registered document is not a fact. In that case, what will be the effect? I appeal to the honourable mover to consider the effect. I find that the definition of the term commercial loan has been made, as wide as possible. I think this amendment will act prejudicially to the interests of the poorer section of the country. On this very ground, I oppose this amendment.

Khan Bahadur, M. SHAMSUZZOHA: Sir, I beg to submit that if this restriction is put on the Explanation, then the whole object of the Bill will be frustrated, because it will mean that a money-lender will be required to prove that it is a commercial loan only when the amount will be less than Rs. 5,000 and not in other cases.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I think Khan Bahadur Naziruddin Ahmad's views are correct, because the question of onus will have to be proved. The Explanation has been so worded because the intention of the section is that at the time when a loan is advanced the money-lender shall see and make proper enquiries that the loan is being taken for bona-fide commercial purposes and that it is not being taken under the garb of a commercial purpose. The money-lender has not to prove, as is now being assumed, how the money was used by the borrower. If the borrower, at the time when he takes a loan, takes it honestly with a commercial purpose, as defined in sub-clause (4), and afterwards changes his mind and goes to the races and uses the money in order that he may get more profit thereby, then it will be outside the purview of this Act. The object is to be scrutinised at the initial stage. The lender must take all sorts of precautions so as to ensure that he does not lend money to a gambler or a wasteful person who is going, as he knows, to use the money for some purpose which is not a commercial purpose. Then he shall not lend, but after having believed—when there are circumstances to believe—that the loan is for a commercial purpose, if the borrower uses it otherwise then he is not hit by the Bill. He is free. The words are “loan to be used”. The words “to be”, Sir, are purposely used, because enquiry starts not when the money is going to be taken but long after the loan has been given. It is not the intention of the Bill to throw upon the lender the onus of proof as to the use of

the money. Generally, Sir, the lender has to prove that money has been used for something to the benefit of the minor if he transacts any business with his guardian on his behalf. That is quite different and is not contemplated here. I submit, Sir, that the words which Mr. Kabir wants to substitute are useless. As soon as a lender is satisfied that the money has been taken for a commercial purpose, and there are circumstances which afford a pretty safeguard against proving that the money, at the time when it was taken, was not taken for a commercial purpose, then he ought to lend and there is no danger involved in this so far as he is concerned, because he is to prove that only and nothing else. The subsequent intention on the part of the borrower to use the money otherwise will not affect him.

Mr. HUMAYUN KABIR: There should be the greatest scrutiny for that.

Mr. HAMIDUL HUQ CHOUDHURY: Yes by all means.

Mr. PRESIDENT: The question before the House is: that in sub-clause (4) of clause 2 of the Bill, in the Explanation, after the word "loan" in line 2, the words "of an amount less than rupees five thousand" be inserted.

(The amendment was negatived.)

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that in sub-clause (4) of clause 2 of the Bill, in the Explanation, for the words "in substance a loan to be used solely" in line 4, the words "a loan to be used substantially" be substituted.

Sir, the words "in substance" and "solely" seem to cut each other. The intention of the framer of the clause seems to be this, namely, that the loan should be used substantially for the purpose set out in the definition of commercial loans. So, I move that the Explanation be amended as indicated by this amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (4) of clause 2 of the Bill, in the Explanation, for the words "in substance a loan to be used solely" in line 4, the words "a loan to be used substantially" be substituted.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to oppose this amendment on the ground that if this is passed, it will have the same effect as that of the previous amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (4) of clause 2 of the Bill, in the Explanation, for the words "in substance a loan to be used solely" in line 4, the words "a loan to be used substantially" be substituted.

(The motion was negatived.)

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I beg to move that in the Explanation to sub-clause (4) of clause 2 of the Bill, after the word "loan" in line 4, the word "intended" be inserted.

The idea of putting in this word is this. It only amounts to a mere verbal alteration. Here the Explanation reads thus: that a loan shall not be deemed to be a commercial loan unless it is in substance a loan to be used solely for any of the purposes referred to in this clause. The use of the word "intended" will clarify matters. The debt will clearly express that the loan is intended to be used solely for the purpose of the business. Ordinarily, a lender can only satisfy himself whether a particular man has got a business or not. It is beyond the scope of the lender to find out whether the money which has been advanced is actually used in the business or not. Mr. Hamidul Huq Chowdhury has said that after the loan is given, an enquiry might be started. But I would ask what is the good of making an enquiry when the loan has already been advanced? When a man has parted with the money, no good will come to any one to have the enquiry. We must try to be as just as possible and this little alteration will in no way strifle the object for which the "Explanation" has been incorporated. On the other hand, it will clarify the issue and make the position of the lender and the debtor clear. With these words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in the Explanation to sub-clause (4) of clause 2 of the Bill, after the word "loan" in line 4, the word "intended" be inserted.

Mr. NARESH NATH MOOKERJEE: May I point out to the House that this alteration is likely to save a lot of litigation because as the onus now will rest with the money-lender, what he will generally do is that he will get an undertaking from the borrower and enforce it criminally against him and use the criminal courts to realise his money. I think that if this alteration is not made, it will entail a great hardship on the debtors and I think that this will be a very bad and a very dangerous weapon in the hands of money-lenders. I do hope that my friends will clearly understand the implication of this amendment and support it.

Mr. KADER BAKSH: Sir, I oppose the amendment simply on the ground that though it is innocent on paper, it will not lead to any improvement on the provision. I oppose it because there does not appear to be any necessity for it.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, there is another reason why this amendment should be opposed. The Explanation, as it stands, makes it clear that the loan must be understood to be used solely for the purposes referred to in the clause, but the amendment wants that it must be intended to be so used. That is, the intention of the debtor must decide the question. Sir, it is impossible in a court of law or in a controversy to prove what was the intention of the debtor.

Mr. NARESH NATH MOOKERJEE: It is always done.

Khan Bahadur NAZIRUDDIN AHMAD: Though the word "intended" is attempted to be introduced for a very noble and bonafide purpose, its effect will lead to a very difficult situation. In the circumstances, I beg to submit that the Explanation, as it stands, makes the point clear. The introduction of the word "intended" will make it more complicated.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, the amendment is unnecessary. If this is accepted, it will mean that it is the intention of the borrower rather than the written terms that will have to be respected. The written terms may be of one character and the intention may be of a different character. So, if you say that the intention is to use the money in a particular way and the terms say that it is to be used in a different way, it will lead to a very conflicting state of things. I do not believe that the law should be so enacted that the terms may be of one character and the intention of a different character. So, I oppose it.

Mr. HUMAYUN KABIR: Mr. President, Sir, I must confess that I am astonished at the statement of the Hon'ble Minister and that of Khan Bahadur Naziruddin Ahmad. Sir, I believe that both of them have some experience of law and the fact that with that experience of law they come here and say that there may be a difference between the intention and the written terms is something which passes the comprehension of a mere layman like myself. For, I take it, if there is a written document, that written document will stand against any kind of asseveration of pious intentions which a particular individual may cherish in his heart of hearts. Therefore, Sir, the word "intended" would definitely be an improvement, because it would

take away the possibility of ambiguity and the arguments which have been advanced by Khan Bahadur Naziruddin Ahmad are, I think, quite beside the point.

Khan Bahadur M. SHAMSUZZOHA: Sir, with respect to the controversy that has arisen, my submission is that the object of the Bill is to safeguard the interests of the borrower. The Bill wants that the loan should be for purposes other than commercial. If that is the object, it is necessary that the intention of the borrower should not be the determining factor but the use to which the loan will be put. That is the most important consideration. So, from the standpoint of the object underlying the Bill, it is better, that the word "intended" is not inserted.

Mr. PRESIDENT: The question before the House is: that in the Explanation to sub-clause (4) of clause 2 of the Bill, after the word "loan" in line 4, the word "intended" be inserted.

The question being put, the House divided with the following result:—

AYES—14.

Banerjee, Rai Bahadur Keshab Chandra.
Chakraverti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Goswami, Mr. Kanai Lal.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresch Nath.

Mukherji, Rai Bahadur Satish Chandra.
Pal Choudhuri, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulyadhona.
Sarker, Rai Sahib Indu Bhushan.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of
Nashipur.

NOES—32.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mezbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Cohen, Mr. D. J.
D'Roario, Mrs. K.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saliyed Muazzamuddin.
Hossain, Mr. Latifat.
Hossain, Mr. Mohammed.
Hunter, Mr. H. G. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.

Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Laidlaw, Mr. W. B. G.
MacKay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Momin, Begum Hamida.
Rahman, Khan Bahadur Ataur.
Rahman, Khan Bahadur Mukhlesur.
Rahid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ross, Mr. J. B.
Roy, Rai Bahadur Radhica Bhushan.
Scott-Kerr, Mr. W. F.
Sen, Rai Sahib Jatindra Mohan.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saisowar.

(The amendment was nagatived.)

Mr. PRESIDENT: I adjourn the Council till 2-15 p.m. on Tuesday, the 12th December, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 12th December, 1939.

Members absent.

The following members were absent from the meeting held on the 11th of December, 1939:—

- (1) Rai Bahadur Manmatha Nath Bose.
- (2) Mr. Humayun Reza Chowdhury.
- (3) Khan Bahadur Rezzakul Haider Chowdhury.
- (4) Mr. Kamini Kumar Dutta.
- (5) Khan Bahadur S. Fazal Eilahi.
- (6) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
- (7) Maulana Muhammad Akram Khan.
- (8) Dr. Radha Kumud Mookerjee.
- (9) Mr. E. C. Ormond.
- (10) Mr. K. C. Roy Chowdhury.
- (11) Mr. Sachindra Narayan Sanyal.

•THE BENGAL LEGISLATIVE COUNCIL DEBATES

• THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 12th December, 1939, at 2-15 p.m. being the ninth day of the Third Session, pursuant to section 62(2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Training in Physical Education for primary school teachers.

62. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state what steps he has taken or intends to take for introducing compulsory physical education for the primary school teachers?

(b) Have any itinerant instructors been appointed in Bengal at least one for each division, on the lines of the Bombay Scheme?

(c) If not, what other alternative scheme has been adopted in Bengal to impart training in physical education to primary school teachers?

(d) Is any expenditure incurred in Bengal for imparting training in physical education for primary school teachers? If so, what is the amount? If not, why not?

(e) What is the total sum that was spent in Bengal on this head during the years 1936-37, 1937-38 and 1938-39 respectively?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) and (c) Government has appointed 26 District Organisers of Physical Education. These officers, in addition to other duties, conduct short courses in physical education for the primary school teachers in their respective districts. In addition to this, the teachers under training in the *guru*-training schools also receive training in physical education. These courses are not compulsory, but every attempt is made to bring the teachers to these courses and the response has been good.

(b) No.

(d) Yes. The amount spent for the physical education of teachers of primary schools is Rs. 5,200.

(e) The total amount spent for imparting physical education to primary school teachers in Bengal were—

	Rs.
	(Approximately.)
1936-37	... 27,205
1937-38	... 29,685
1938-39	... 1,40,000

Bengal Sanskrit Association.

63. Rai Bahadur BROJENDRA MOHAN MAITRA: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a representation was submitted in August last by over one hundred eminent *Pundits* of East and West Bengal and also other prominent educationists including a number of M.L.A.'s and M.L.C.'s urging upon the Government the necessity for immediate separation of the dual functions of the Principal of the Sanskrit College who is also the *ex-officio* Secretary of the Bengal Sanskrit Association?

(b) Why is the scheme of separation being delayed?

(c) When are definite steps likely to be taken to this end?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) and (c) The matter is still under consideration.

Burdwan Collectorate.

64. Khan Bahadur ATAUR 'RAHMAN: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many applications submitted by clerks of the Burdwan Collectorate for copies of the orders of the Collector on matters relating to their services, were rejected by the present Collector?

(b) If any application referred to in paragraph (a) were rejected, will the Hon'ble Minister be pleased to state what are the reasons for such rejection?

(c) How many representations, appeals, memorials, petitions or the like, against or concerning an order of the same Collector in any matter regarding their service by the clerks of the Burdwan Collectorate were not forwarded to the authorities to whom such representations, appeals, memorials, petitions or the like were addressed, by the present Collector?

(d) If reply to paragraph (c) be in the affirmative, will the Hon'ble Minister be pleased to state the reasons for each case of rejection?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Two.

(b) Rules did not permit granting of copies of the orders.

(c) One appeal and one petition.

(d) The appeal did not lie under the rules.

In the petition, the clerk wanted a copy of the Commissioner's order and prayed that effect should be given to it. A substance of the order of the Commissioner was given to him as allowed under the rules. The order of the Commissioner was given effect to before the petition was filed.

Khan Bahadur ATAUR RAHMAN: May I enquire from the Hon'ble Minister whether it is not a fact that a clerk whose promotion is affected or regarding whom any order adverse to his service is passed, if it is not confidential, is entitled to have a copy of the same?

The Hon'ble Khwaja Sir NAZIMUDDIN: It appears that under the existing rules he is not entitled to it.

Khan Bahadur ATAUR RAHMAN: May I request the Hon'ble Minister to refer me to the particular rule which he has in view?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. I have not got the rules with me.

Non-official Resolution on War.

Mr. PRESIDENT: Order, order. His Excellency the Governor has been pleased to fix to-day and to-morrow for discussion of the non-official resolutions on War. I have received notices of several resolutions. Some of them may be treated as amendments to the first resolution, but others cannot be so treated because they enlarge the scope of the subject-matter which is not allowed under the Bengal Legislative Council Procedure Rules. What I propose to do is to allow all the resolutions to be moved. At the same time, I expect that the leaders of different groups would meet and try to arrive at a common formula which may be acceptable to the whole House or to the maximum number of members of the House. The Chair would be glad to accept notice of such an agreed resolution at any time, if that can be evolved.

Rai SURENDRA NARAYAN SINHA Bahadur: Mr. President, Sir, I beg to move the resolution which stands in my name, viz. :—

That this Council is of opinion that whole-hearted help and support should be given to the British Government in the prosecution of their War against German menace.

Sir, for some time past the Nazi party in Germany has been in power. Austria and Czechoslovakia were the first to fall victims to the ambition of Herr Hitler and were converted into protectorates of Germany. The other countries of Europe, specially the great democracies of the West, had to look on powerlessly on these acts of rapacity on the part of the Third Reich in Germany. Shrill protests against such loss of independence of the Czechs rang out from all parts of the world and the intervention of England for a peaceful settlement of the Czechoslovakian problem ending in sad disaster, the English, the French and the Russians were subjected to a good deal of calumny for not having come to the aid of the Czechoslovakian State. England was no doubt morally bound to support the Treaty of Versailles and as a member of the League of Nations, she was under a further obligation to stand against the dismemberment of another member of the same League. But she was under no separate treaty obligation or pact to come to the aid of Czechoslovakia in case of aggression. Yet, public opinion in England went against the Government of Mr. Chamberlain for this act of omission. Such was the case in India too. If India had been a Sovereign State with powers of declaring War and Peace, I have no doubt that in the state of the then public opinion, she would have tried to come to the aid of a sister member of the League of Nations which was being robbed of its independence. But that was not to be. She was not, in the stage of political and constitutional development which she had reached, in a position to assert herself. Then came the turn of Poland. She tried to meet the menace of Nazi supremacy by appealing to the public conscience of the world. England and France guaranteed her integrity by solemn pacts. India was satisfied that the independence of Poland had been made by the Western democracies a cause of their own. When she was violated in flagrant breach of recently renewed pacts of non-aggression by Germany, the conscience of the whole world was shocked and there was not a single party in this wide Indian continent whose sympathies were not with Poland in her sad lot and with the Allies in their great struggle for the restoration of the States of Czechoslovakia and Poland. It is not difficult to find out motives for the conduct of England and France, and no Indian party has as yet suggested that the Allies did something improper in coming to the help of Poland. Our only grievance is that we had no say in the matter—that we were not consulted in the matter beforehand. It is no doubt true that our status is not the same as that of other free countries, not even the same as that

of the Dominions of the British Commonwealth of Nations. But we, Indians, certainly wanted to help Poland in her distress and if, independently of us and without our consent, England and some other members of the British Commonwealth of Nations have gone to war against Germany impelled by the enormity of her crimes, should we sulk and keep away from the struggle for arresting the spread of the Nazi menace to other countries of the civilized world? If the mission that she has taken upon herself is dear to us, it is no counsel of prudence to stand by and let that sacred mission be frustrated for want of proper support. The question of our political and constitutional status should, no doubt, simultaneously tackled, but nothing should be done to hamper the great work of fighting the menace itself which might turn out to be more formidable if we lose the present opportunity. We must settle our scores with England now and hereafter, but we should not shirk our common duty of prosecuting the war to a success.

Sir, with the advent of the war, the question of our own defence has come to the fore. We, Indians, are not in a position to defend ourselves because England has not given Indians any scope to have military training. That being the case, along with prosecution of the war, the Indian problem should be considered more seriously and Britain should come forward in the near future with a revised Constitution which would confer on the people of India almost all the powers enjoyed by the Dominions and thereby advance her political status.

Sir, even after the formal declaration of war by all parties in Great Britain and Northern Ireland, demands have gone forth from several quarters of those realms for clarification of the war aims of the allies. The great dominions of the King threw themselves into the struggle in the first instance, without pausing to ask what their ultimate objective was in pushing on the War against Nazi tyranny. Not the humiliation of any people or nation, nor the acquisition of any fresh territory by any of the combatant powers; neither the spread of Imperialism nor the imposition of any particular form of Government on any other country is up till now the declared aim of any of the allies of Great Britain. The immediately declared aim of the two allied countries is resistance to Nazi aggressiveness and the restoration of Czechoslovakia and Poland; but larger questions like the settlement of the problem of European peace have already come to the fore and more and more the idea of a better ordering of human society is looming large before mankind. The question of establishing some sort of a federation in Europe is being mooted seriously even in the English press. The British Commonwealth of Nations is trying to evolve a federal constitution to combat some of its centrifugal forces and the idea of pushing on the implications of "Dominion" within the meaning of the Statute of Westminster seems to be on the wane. The progressive thought in the Western democracies of the world is

for the surrender of some rights and privileges incidental to sovereign independence in the interests of the Union of Democracies. It is natural for us in India to inquire where we are to come in in this picture. Some parties in this country are clamouring for India being declared an independent nation; others are for the attainment of Dominion Status. The whole question of India's status in the world and in the British Commonwealth of Nations will have to be tackled and settled, if possible, even before the war comes to an end. Without a federation of the Indian States and the British Indian provinces, fully responsible Government will not probably be established at the Centre; but the advent of the federation has been delayed owing to the outbreak of the war, and no responsible popular Government at the Centre is yet in sight. The question of minorities and of the numerous safeguards admittedly necessary to protect their interests is also held out as a ground for withholding responsible Government at the Centre and recognition of her status as a self-governing nation in the British Commonwealth of Nations. But the problem will have to be faced fairly and squarely by the British Government whatever the difficulties may be. We must go on pressing for better political status, but this should not be made a matter of bargain for rendering help in the prosecution of the war. That will take away the grace from the high purpose which we are setting up before ourselves in waging war against Nazi aggression. If we think that England and France were right in coming to the aid of Poland, we should extend full co-operation to England in her great mission. If we embarrass England at this juncture, we may perhaps extort some promises of future rights. But of what worth will they be if there is to be a *debacle* for want of proper support from our side, in men, money and other material resources? So, the question of successful prosecution of the war should be separated from the struggle for the assertion of our claim to better political status. If German or Russian aggressiveness be not nipped in the bud, the whole world will be overwhelmed with chaos and the freedom of India which we have so much at heart is likely to be engulfed by Hitlerism.

Sir, for some time past the spirit of ruthless conquest and destruction is abroad in the world. Manchukuo, Abyssinia, Spain, Austria, Czechoslovakia—each in its turn—has become a prey to this Moloch. To rouse the democracies of the world to a sense of their duty, a specially recorded message of our Poet Rabindra Nath Tagore was broadcast on the Empire Day when Canada, with the King on her soil, called India on May 29 last, which ran as follows:—

“Through the troubled history of man

Comes sweeping blind fury of destruction

And the towers of civilisation topple down to dust.

In the chaos of moral nihilism
 Are trampled under foot by marauders
 The best treasures of Man heroically won
 By the martyre for ages.
 Come young nations, proclaim the fight for freedom,
 Raise up the banner of invincible faith.
 Build bridges with your life across the gaping earth
 Blasted by hatred,
 And march forward.
 Do not submit yourself to carry the burden of insult
 Upon your head,
 Kicked by terror
 And did not a trench with falsehood and cunning
 To build a shelter for your dishonoured manhood;
 Offer not the weak as sacrifice to the strong
 To save yourself."

The young nations of the world—Canada, Australia, New Zealand, South Africa—have taken up the fight and trooped round the banner of humanity when the spirit of destruction spread to Poland. Will India lag behind when her call to action has been so enthusiastically responded to by the Western democracies?

With these words, Sir, I commend my resolution to the acceptance of this Council.

MR. PRESIDENT: Resolution moved: That this Council is of opinion that whole-hearted help and support should be given to the British Government in the prosecution of their War against German menace.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I, Sir—

MR. PRESIDENT: Order, order. Mr. Humayun Kabir will first move the amendment standing in his name.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I, Sir, with your permission move resolution No. 2 by way of amendment to resolution No. 1?

MR. PRESIDENT: All right.

Rai KESHAB CHANDRA BANERJEE Bahadur: Thank you, Sir.
I beg to move the following amendment:—

This Council is of opinion that His Excellency the Viceroy and His Majesty's Government in England should be informed of the unswerving allegiance of the people of Bengal to His Majesty's Throne and Person and their readiness to stand by Britain in her present struggle for the vindication of the principle of Democracy against the insensate and ruthless violation by Germany and other aggressive nations of the integrity of weaker independent countries.

Sir, I desire at the outset to explain my object in couching the resolution in the above terms offering our unstinted support to the British Government for successful prosecution of the War. Nationalist India has expressed in an unequivocal manner her strong condemnation of the methods adopted by the Totalitarian Powers in depriving smaller and weaker nations of their independence by ruthless invasion of their territories. This has very rightly excited the ire of democratic countries like Britain and France who have at long last taken up arms not for any territorial aggrandisement but in defence of the principle of Democracy. The Indian National Congress has already defined its attitude which is one of conditional co-operation. In outlining its policy, the Congress has asked the British Government to declare whether they are willing to apply to India the same principles in defence of which they have taken up arms against Germany. But the Liberal school of political thought in India is not in favour of bargaining with England and of embarrassing her by putting forth demands at the present juncture. They hope that Britain will not be slow to discharge her obligations to India if at this hour of trial India helps her in winning the war.

Sir, we, on this side of the House, do not believe in the doctrine of non-co-operation as an effective means of wresting political rights from the hands of the British Government. This is not the time to fritter away our energies in acrimonious discussions about questions of political status or form of future constitution. The political situation in Europe is not without any significance so far as we are concerned. It already threatens to envelop the whole world in a conflagration unprecedented in history. The recent move of Soviet Russia, no doubt, constitutes a grave menace to India. The German propaganda is interpreted, *inter alia*, as conjuring up a spectre of vast Soviet aggressive design on Turkey and India, the object being to divert the attention of the Allies from the European theatre of War. The Russian bogey has become the subject of interesting conjectures in many parts of the world. In a leading article, the "Statesman" drew up a lurid picture of a possible Soviet invasion of India. It wrote: "It is possible that what we are witnessing now is only the preliminary to

an ultimate clash between two systems which may involve the greater part of the world before we reach peace and the possibility of reconstruction in a new Order; that Asia will be drawn directly into that struggle: that Central Asia is as fated to be a meeting ground for opposing camps as Central Europe; that eventually India may have to withstand the shock of an attempt to force her willy-nilly into a Union of Soviet Socialist Republics, probably not as India, but in a disrupted form as fifty or a hundred or two hundred Soviet Republics—all these are possibilities which cannot be dismissed." These were the observations made in September last and cannot be said to be chimerical, as subsequent events have shown. The invasion of Finland and the Soviet warning to Turkey are matters which cannot be trifled with. That Russia's declarations are not consistent with her activities will be admitted on all hands. The Soviet Dictator in outlining Russia's foreign policy a few months ago said: "We stand for peace and strengthening of business relations with all countries. We stand for peaceful, close and friendly relations with all the neighbouring countries which have common frontiers with the U.S.S.R. We stand for the support of nations which are the victims of aggression and are fighting for the independence of their country."

This solemn declaration was soon followed by the occupation by Soviet Russia of Eastern Poland, the conversion of Estonia, Latvia and Lithuania into vassal States and the wanton invasion of Finland. Those of our countrymen who have nothing but admiration for the Soviet ideals and principles and have condemned in no uncertain terms England's participation in the War as being actuated by Imperialistic designs will now, perhaps, modify their attitude towards Communism, which they consider to be the "noble" ideal of Soviet Russia. They forget the fundamental fact that on the grave of Marxism and Leninism has risen the new spectre of Stalinism. Red communism stands unmasked to-day in all its nakedness.

Sir, the situation in India to-day is such as to call for united action against foreign aggression. India is not strong enough to resist invasion without the active support of the British Government. This brings us to the question of Indian defence. The decline in the military capacity of the people of India has been due not only to the effects of the special method of recruitment but to the general policy as well. There was a time when British soldiers and administrators were not as reticent as they are to-day. We find Sir Richard Temple, one of the former Governors of Bombay, writing in 1859, that "In India under British rule, the former martial tendencies of the native population gradually become lessened till they almost disappear, and this circumstance is considered to be one of the safeguards of our rule. So conscious has the Government been of this that within the present generation the native population has been generally 'disarmed' that

is, the people have been enjoined to give up their arms". This policy is directly opposed to the practice of Governments which have a stake in the man power of their countries.

Sir, Bengal has been neglected in the matter of military training. The persistent demands of the people for such training have met with no response from the Army Department of the Government of India. Their indifference is responsible for the emasculation of the Bengalees as a race. In countries like Great Britain, where the voluntary system prevails, it is the custom to give a large portion of the civil population a short term training in a second line army like the Territorial Army while in the countries which have conscription but cannot absorb all the available man power in the regular Army, care is taken that no portion of the eligible quota is wasted through thoughtless rejection. In fact, all modern countries possess a wide system of preparatory military training in schools and colleges as well as outside them with a view to developing young men physically and morally for defence whether or not they actually enter military service. If the Bengalees had been given military training, Bengal could alone put into the field 5,000,000 (fifty lakhs) of able-bodied men to fight side by side with their British comrades in defence of their motherland in the event of a foreign invasion.

Sir, I need hardly emphasize the necessity for a change of policy at this critical moment, especially in view of the unfriendly attitude of Russia and Japan. I have already dealt with Soviet Russia. Japan also constitutes a real menace to Bengal. Her attitude is inexplicable. The British blockade of German trade has upset her and she has lost no time in lodging a protest to Britain threatening reprisals if her merchantship the "Sanyomaru" which is due to leave Rotterdam to-day with German exports for Japan is interfered with in any way. But she has not said a word against Germany's indiscriminate submarine and mine warfare involving a serious loss to neutral shipping. It is high time, therefore, that the Imperial Government took the people of India into their confidence and evolved a satisfactory scheme for the defence of the Empire.

While I do not make the grant of complete self-government to India a condition precedent to our offer of co-operation, I cannot conclude without appealing to the British Government to change their policy and to announce for the satisfaction of the Indian people that in consonance with the aims of the present war as declared by that Government and understood by India, and consistent with the accepted ideal of the British Empire as a Commonwealth of free nations, the attainment by India of the status of a Dominion, as defined in the Statute of Westminster, which is the declared policy of the British Government, would be implemented immediately on the termination of the

present War. As the House will agree, the question of Dominion Status is bound to raise the vital issue of self-defence, and having regard to the fact that the Bengalis are about the only community in India who are excluded from the Indian Army, I would again earnestly request the Government to consider this question very seriously and to accord their immediate sanction to the formation of a Bengali Regiment, so that consistent with the prestige of our race we may be in a position to defend our hearths and homes. I need hardly add that Dominion Status without the strength to preserve it would be a meaningless ideal, and I, therefore wish that the demand of this House for Dominion Status should be implemented by an unequivocal demand for immediate facilities for the grant to the Bengali people of a permanent place in the Army.

With these words, Sir, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: That this Council is of opinion that His Excellency the Viceroy and His Majesty's Government in England should be informed of the unswerving allegiance of the people of Bengal to His Majesty's Throne and Person and their readiness to stand by Britain in her present struggle for the vindication of the principle of Democracy against the insensate and ruthless violation by Germany and other aggressive nations of the integrity of weaker independent countries.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, with your permission, I desire to move the resolution which stands in my name as amendment to War Resolution No. 2.

Mr. PRESIDENT: Order, order. There is no resolution No. 2. That has been treated as an amendment. You move yours also as an amendment to the resolution moved by Rai Bahadur Surendra Narayan Sinha.

Mr. LALIT CHANDRA DAS: All right, Sir. I beg to move that for all the words beginning with "of the unswerving allegiance" up to the end, the following be substituted, namely:—

That in consonance with the avowed aims of the present war, it is essential that in order to secure the co-operation of the Indian people, the principles of Democracy and Self-determination, with due safeguards for minority interests, should be applied to India and her policy should be guided by her people and that India should be regarded as an Independent Nation entitled to frame her own Constitution; and further

that suitable action should be taken, in so far as it is possible in the immediate present, to give effect to that principle in regard to the present governance of India including arrangements whereby all war measures in this Province may be undertaken and executed through the Provincial Government;

that this Council regrets that the British Government have made India a participant in the war between Great Britain and Germany without the consent of the people of India and have further, in complete disregard of Indian opinion, framed laws and adopted measures curtailing the powers and activities of the Provincial Government; and

that this Council profoundly regrets that the situation in India has not been rightly understood by His Majesty's Government when authorising the statement that has been made on their behalf in regard to India.

Sir, in part II of his book "Civitas Dei", Mr. Lionel Curtis remarked that at the Imperial War Conference of 1917, the big Dominions pressed their claims for full recognition as autonomous nations of an Imperial Commonwealth and claimed also an adequate share in its foreign policy. Sir, was that bargaining? Was that blackmailing? And did England feel scandalised by those claims? We fail to understand why these expressions—bargaining, blackmailing—are being freely used in relation to India because of her demand for being declared a Free State.

Sir, the Dominions got what they wanted. There was the Balfour Declaration of 1926. The Statute of Westminster of 1931 gave them even the right to secede from the British Empire, if they so desired. This is one picture. Now, Sir, look to the other.

India in 1914, joined the war in aid of England without any condition whatsoever and Mahatma Gandhi threw the entire weight of his influence on her side. And what was India's reward at the end of the War?

In 1919, the Government of India Act was enacted with a Preamble which laid down progressive realisation of Responsible Government as the ultimate British aim in India. No time-limit was fixed. It could be attained in thousand years or in ten. That it was not in ten nor even in twice ten years, have now been proved. Responsible Government was to be reached in successive stages. For each stage of advance, the British Parliament was to be the sole judge of India's fitness for the same, as if, Sir, India, considered as a unit and a person, was a mere clerk in a merchant's office whose promotion must depend on the sweet will of the Burra Sahib.

Sir, let it be remembered, in this connection, that India, between 1914 and 1918, contributed in money over £14,60,00,000 by way of gifts